



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**January 30, 2012**

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House File 2149 - Introduced

HOUSE FILE 2149  
BY MASCHER

A BILL FOR

1 An Act relating to advocacy for long-term care residents and  
2 making an appropriation.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5534HH (1) 84  
pf/nh



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1 Section 1. NEW SECTION. 231.45 Certified volunteer  
2 long-term care resident's advocate program.

3 1. The department shall establish a certified volunteer  
4 long-term care resident's advocate program in accordance with  
5 the federal Act to provide assistance to the state and local  
6 long-term care resident's advocates.

7 2. The department shall develop and implement a  
8 certification process for volunteer long-term care resident's  
9 advocates including but not limited to an application process,  
10 provision for background checks, classroom or on-site training,  
11 orientation, and continuing education.

12 3. The provisions of section 231.42 relating to local  
13 long-term care resident's advocates shall apply to certified  
14 volunteer long-term care resident's advocates.

15 4. The department shall adopt rules pursuant to chapter 17A  
16 to administer this section.

17 Sec. 2. LOCAL LONG-TERM CARE RESIDENT'S ADVOCATES —  
18 APPROPRIATION. It is the intent of the general assembly that  
19 the number of local long-term care resident's advocates as  
20 provided in section 231.42 be increased each year until 15  
21 local long-term care resident's advocates are available in  
22 the state. For the fiscal year beginning July 1, 2012, and  
23 ending June 30, 2013, the following amount, or so much thereof,  
24 is appropriated to the department on aging for the purpose  
25 designated:

26 To provide an additional local long-term care resident's  
27 advocate:  
28 ..... \$ 100,000

29 Sec. 3. SUFFICIENT STAFFING OF NURSING FACILITIES —  
30 WORKGROUP REVIEW AND RECOMMENDATIONS. The department on aging  
31 shall convene a workgroup to review staffing in nursing homes  
32 to make recommendations regarding what constitutes sufficient  
33 staffing in meeting resident satisfaction and in providing  
34 quality care. The workgroup shall consist of interested  
35 consumers and providers, and shall include representatives of

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1 the office of the state long-term care resident's advocate, the  
2 department of inspections and appeals, the department of human  
3 services, and other appropriate state agencies or departments.  
4 The workgroup shall, at a minimum, review national research  
5 and current practices in developing its recommendations. The  
6 workgroup shall make recommendations to the general assembly no  
7 later than December 15, 2012.

8 EXPLANATION

9 This bill relates to advocacy for long-term care residents.  
10 The bill directs the department on aging (IDA) to establish  
11 a certified volunteer long-term care resident's advocate  
12 program to provide assistance to the state and local long-term  
13 care resident's advocates. The department is to develop and  
14 implement a certification process for volunteer long-term care  
15 resident's advocates. The bill provides that the provisions  
16 relating to local long-term care resident's advocates shall  
17 apply to certified volunteer long-term care resident's  
18 advocates, and directs IDA to adopt rules pursuant to Code  
19 chapter 17A to administer the provisions.

20 The bill also provides that it is the intent of the general  
21 assembly that the number of local long-term care resident's  
22 advocates be increased each year until 15 local long-term  
23 care resident's advocates are available in the state; and  
24 appropriates \$100,000 to IDA for FY 2012-2013 to provide an  
25 additional local long-term care resident's advocate.

26 The bill directs IDA to convene a workgroup to review  
27 staffing in nursing homes to make recommendations regarding  
28 what constitutes sufficient staffing in meeting resident  
29 satisfaction and in providing quality care. The workgroup  
30 is to consist of interested consumers, providers, and  
31 representatives of the office of the state long-term care  
32 resident's advocate, the department of inspections and appeals,  
33 the department of human services, and other appropriate state  
34 agencies or departments. The workgroup is directed to review  
35 national research and current practices in developing its

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1 recommendations, and to make recommendations to the general  
2 assembly no later than December 15, 2012.



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House File 2150 - Introduced

HOUSE FILE 2150  
BY COMMITTEE ON WAYS AND MEANS  
  
(SUCCESSOR TO HSB 544)

A BILL FOR

1 An Act updating the Code references to the Internal Revenue  
2 Code, and including effective date and retroactive  
3 applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5300HV (1) 84  
mm/sc



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1 Section 1. Section 15.335, subsection 7, paragraph b, Code  
2 Supplement 2011, is amended to read as follows:

3 b. For purposes of this section, "*Internal Revenue Code*"  
4 means the Internal Revenue Code in effect on January 1, ~~2011~~  
5 2012.

6 Sec. 2. Section 15A.9, subsection 8, paragraph e,  
7 subparagraph (2), Code Supplement 2011, is amended to read as  
8 follows:

9 (2) For purposes of this subsection, "*Internal Revenue Code*"  
10 means the Internal Revenue Code in effect on January 1, ~~2011~~  
11 2012.

12 Sec. 3. Section 422.3, subsection 5, Code Supplement 2011,  
13 is amended to read as follows:

14 5. "*Internal Revenue Code*" means the Internal Revenue Code  
15 of 1954, prior to the date of its redesignation as the Internal  
16 Revenue Code of 1986 by the Tax Reform Act of 1986, or means  
17 the Internal Revenue Code of 1986 as amended to and including  
18 January 1, ~~2011~~ 2012.

19 Sec. 4. Section 422.10, subsection 3, paragraph b, Code  
20 Supplement 2011, is amended to read as follows:

21 b. For purposes of this section, "*Internal Revenue Code*"  
22 means the Internal Revenue Code in effect on January 1, ~~2011~~  
23 2012.

24 Sec. 5. Section 422.32, subsection 1, paragraph g, Code  
25 Supplement 2011, is amended to read as follows:

26 g. "*Internal Revenue Code*" means the Internal Revenue Code  
27 of 1954, prior to the date of its redesignation as the Internal  
28 Revenue Code of 1986 by the Tax Reform Act of 1986, or means  
29 the Internal Revenue Code of 1986 as amended to and including  
30 January 1, ~~2011~~ 2012.

31 Sec. 6. Section 422.33, subsection 5, paragraph d,  
32 subparagraph (2), Code Supplement 2011, is amended to read as  
33 follows:

34 (2) For purposes of this subsection, "*Internal Revenue Code*"  
35 means the Internal Revenue Code in effect on January 1, ~~2011~~

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1 2012.

2 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
3 immediate importance, takes effect upon enactment.

4 Sec. 8. RETROACTIVE APPLICABILITY. This Act applies  
5 retroactively to January 1, 2011, for tax years beginning on  
6 or after that date.

7 EXPLANATION

8 This bill updates the Iowa Code references to the Internal  
9 Revenue Code to make federal income tax revisions enacted by  
10 Congress in 2011 applicable for Iowa income tax purposes.

11 Code sections 422.3 and 422.32, general definitions  
12 sections in the chapter of the Code that governs corporate  
13 and individual income tax and the franchise tax on financial  
14 institutions, are amended to update the references to the  
15 Internal Revenue Code to make certain federal income tax  
16 revisions enacted by Congress in 2011 applicable for purposes  
17 of the corporate and individual income taxes and the franchise  
18 tax on financial institutions.

19 Code sections 15.335, 15A.9, 422.10, and 422.33 are amended  
20 to update the Internal Revenue Code references to the state  
21 research activities credit for individuals, corporations,  
22 corporations in economic development areas, and corporations  
23 in quality jobs enterprise zones to include the 2011 federal  
24 changes to the research activities credit and the alternative  
25 simplified research activities credit.

26 The bill takes effect upon enactment and applies  
27 retroactively to January 1, 2011, for tax years beginning on  
28 or after that date.



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House Resolution 108 - Introduced

HOUSE RESOLUTION NO. 108

BY KAUFMANN, BAUDLER, PETTENGILL, ALONS, HAGENOW,  
BYRNES, HEIN, SWEENEY, JORGENSEN, WORTHAN, ROGERS,  
HAGER, LOFGREN, UPMAYER, J. TAYLOR, HANUSA,  
KEARNS, COHOON, RUNNING-MARQUARDT, WILLEMS,  
MUHLBAUER, BERRY, HEDDENS, THOMAS, WITTNEBEN,  
T. TAYLOR, ISENHART, LYKAM, MURPHY, LENSING,  
WESSEL-KROESCHELL, ABDUL-SAMAD, GAINES, HALL,  
JACOBY, STECKMAN, HUNTER, WINCKLER, M. SMITH,  
MASCHER, GASKILL, KRESSIG, KAJTAZOVIC, HANSON,  
H. MILLER, OLDSON, PETERSEN, WOLFE, R. OLSON,  
KELLEY, THEDE, T. OLSON, MCCARTHY, VANDER LINDEN,  
SCHULTZ, J. SMITH, SHAW, PEARSON, FRY, PAULSEN,  
DEYOE, ANDERSON, DE BOEF, HUSEMAN, CHAMBERS,  
DRAKE, WATTS, RAYHONS, L. MILLER, FORRISTALL,  
GARRETT, BRANDENBURG, HEATON, HELLAND, WAGNER,  
SANDS, SODERBERG, GRASSLEY, COWNIE, MOORE, KLEIN,  
S. OLSON, PAUSTIAN, and MASSIE

1 A Resolution honoring the Iowans who were killed in or  
2 survived the attack on the USS Indianapolis on July  
3 30, 1945.  
4 WHEREAS, on November 15, 1932, the USS Indianapolis  
5 was accepted and commissioned in the United States  
6 Navy; and  
7 WHEREAS, the USS Indianapolis served as the flagship  
8 of the Fifth Fleet through much of World War II, under  
9 the command of Admiral Raymond A. Spruance; and  
10 WHEREAS, all who served aboard the USS Indianapolis  
11 distinguished themselves and their ship in the Pacific  
12 during World War II, with the ship earning a total

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1 of 10 battle stars in the Pacific between 1942 and  
2 1945; and

3 WHEREAS, the USS Indianapolis was struck by a  
4 kamikaze plane in March 1945 at Okinawa, during  
5 the Okinawa Gunto Operation, resulting in 38  
6 casualties; and

7 WHEREAS, on July 26, 1945, the USS Indianapolis  
8 delivered the first operational atomic bomb to the  
9 island of Tinian, which less than two weeks later was  
10 flown by a B-29 bomber, the Enola Gay, and dropped  
11 on Hiroshima to bring an early end to the war with  
12 Imperial Japan; and

13 WHEREAS, on July 30, 1945, the USS Indianapolis,  
14 while transiting unescorted from Guam to the Leyte  
15 Gulf, was struck by two torpedoes fired by a Japanese  
16 submarine, the first torpedo striking the bow and the  
17 second striking near midship on the starboard side; and

18 WHEREAS, the resulting explosion split the ship to  
19 the keel and knocked out electrical power, causing the  
20 USS Indianapolis to sink rapidly; and

21 WHEREAS, of the 1,196 aboard, some 900 made it to  
22 the water in the 12 minutes before the ship sank; and

23 WHEREAS, few life rafts were released and most  
24 survivors wore standard life jackets as shark attacks  
25 began at sunrise that day and continued until nearly  
26 five days later when 317 survivors were removed from  
27 the water, after their accidental discovery during a  
28 routine antisubmarine patrol; and

29 WHEREAS, there were 30 Iowans on board the USS  
30 Indianapolis in the early morning of July 30, 1945; and

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1     WHEREAS, only two of the Iowans on board that  
2 morning, Seaman First Class Charles O. Wells of  
3 Camanche and Seaman Second Class Glen Laverne  
4 Milbrodt of Akron, survived the attack on the USS  
5 Indianapolis; NOW THEREFORE,  
6     BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
7 That the House of Representatives honors the lives and  
8 service of each of the Iowans who were killed in or  
9 survived the attack on the USS Indianapolis on July 30,  
10 1945.



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House Study Bill 567 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
ECONOMIC GROWTH/REBUILD  
IOWA BILL BY CHAIRPERSON  
GRASSLEY)

A BILL FOR

1 An Act creating a tracking and reporting system for certain tax  
2 credits awarded by the economic development authority.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5307HC (2) 84  
mm/sc



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H.F. \_\_\_\_\_

1 Section 1. Section 15.104, subsection 8, Code Supplement  
2 2011, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. *m.* The tax credit report prepared pursuant  
4 to section 15.119, subsection 5.

5 Sec. 2. Section 15.119, subsection 4, Code Supplement 2011,  
6 is amended to read as follows:

7 4. The authority shall submit to the department of revenue  
8 on or before August 15 of each year a report on the tax credits  
9 allocated pursuant to this section and the tax credits awarded  
10 under each of the programs described in subsection 2. The  
11 department of revenue shall submit to the authority on or  
12 before November 15 of each year a report on the tax credits  
13 claimed and allowed under each program described in subsection  
14 2.

15 Sec. 3. Section 15.119, Code Supplement 2011, is amended by  
16 adding the following new subsection:

17 NEW SUBSECTION. 5. *a.* The authority, in conjunction with  
18 the department of revenue, shall develop and maintain a system  
19 to track all tax credits allocated, awarded, and claimed under  
20 each of the programs described in subsection 2. It is the goal  
21 of the tracking system to effectively track each tax credit  
22 from the date it is awarded by the authority to the date it  
23 is ultimately claimed by the recipient and allowed by the  
24 department of revenue. The system shall track, at a minimum,  
25 the following information for each tax credit awarded:

26 (1) The type of tax credit.

27 (2) The recipient of the tax credit.

28 (3) The date the tax credit was awarded by the authority,  
29 and the amount awarded.

30 (4) The date the tax credit was claimed by the recipient,  
31 and the amount claimed.

32 (5) The date the tax credit was allowed by the department of  
33 revenue, and the amount allowed.

34 (6) The amount, if any, of the tax credit available to the  
35 recipient for carryforward into future tax years and the date

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1 the tax credit carryforward will expire.

2     **b.** If disclosure of the information in paragraph "a",  
3 subparagraph (2), would cause the authority or the department  
4 of revenue to violate any state or federal law relating to  
5 privacy or confidentiality, the identity of the recipient may  
6 be concealed and replaced with a nondescriptive designation  
7 that allows the authority and the department of revenue to  
8 effectively track the tax credit.

9     **c.** The tracking system shall be updated at least annually,  
10 and a joint report from both the authority and the department  
11 of revenue containing all the information required by this  
12 subsection shall be compiled each year and submitted by the  
13 board to the general assembly and the governor by January 31 as  
14 part of the board's annual reporting duties in section 15.104,  
15 subsection 8.

16                                   EXPLANATION

17     This bill requires the economic development authority, in  
18 conjunction with the department of revenue, to develop and  
19 maintain a system to track all tax credits awarded by the  
20 economic development authority through its programs under the  
21 aggregate tax credit limit cap in Code section 15.119. For  
22 each tax credit awarded, the system shall track the type,  
23 the recipient, the date and amount awarded by the economic  
24 development authority, the date and amount claimed by the  
25 recipient, the date and amount allowed by the department of  
26 revenue, and the amount and expiration date of any tax credit  
27 available to a recipient for carryforward into future tax  
28 years.

29     The tracking system is required to be updated at least  
30 annually and compiled into a report to be provided by January  
31 15 of each year to the general assembly and the governor.

32     If disclosure of the tax credit recipient's identity would  
33 cause the economic development authority or the department of  
34 revenue to violate any state or federal law related to privacy  
35 or confidentiality, the recipient's identity may be concealed



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1 and replaced with a nondescriptive designation that allows for  
2 the effective tracking of the tax credits.

3 The bill also requires the department of revenue to submit  
4 to the authority on or before November 15 of each year a report  
5 on the tax credits claimed and allowed pursuant to each of  
6 the programs under the aggregate tax credit limit cap of the  
7 economic development authority.



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House Study Bill 568 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
ECONOMIC GROWTH/REBUILD  
IOWA BILL BY CHAIRPERSON  
GRASSLEY)

A BILL FOR

1 An Act relating to the exclusion from the computation of net  
2 income for the individual state income tax of net capital  
3 gains from the sale of a business and including retroactive  
4 applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5735YC (4) 84  
mm/sc



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1 Section 1. Section 422.7, subsection 21, paragraph a, Code  
2 Supplement 2011, is amended to read as follows:  
3 a. (1) (a) Net capital gain from the sale of real  
4 property used in a business, in which the taxpayer materially  
5 participated for ten years, as defined in section 469(h)  
6 of the Internal Revenue Code, and which has been held for  
7 a minimum of ten years, or from the sale of a business, as  
8 defined in section 423.1, in which the taxpayer materially  
9 participated for ten years, as defined in section 469(h) of the  
10 Internal Revenue Code, and which has been held for a minimum  
11 of ten years. ~~The sale of a business means the sale of all or~~  
12 ~~substantially all of the tangible personal property or service~~  
13 ~~of the business.~~  
14 (b) ~~However, where the business is sold~~ If the sale of the  
15 business in subparagraph division (a) is made to individuals  
16 who are all lineal descendants of the taxpayer, the taxpayer  
17 does not have to have materially participated in the business  
18 in order for the net capital gain from the sale to be excluded  
19 from taxation.  
20 (2) ~~However, in~~ In lieu of the net capital gain deduction  
21 in this paragraph and paragraphs "b", "c", and "d", ~~where the~~  
22 ~~business is sold~~ if the sale of the business in subparagraph  
23 (1) is made to individuals who are all lineal descendants of  
24 the taxpayer, the amount of capital gain from each capital  
25 asset may be subtracted in determining net income.  
26 ~~(2)~~ (3) For purposes of this paragraph, unless the context  
27 otherwise requires:  
28 (a) ~~"lineal"~~ "Lineal descendant" means children of the  
29 taxpayer, including legally adopted children and biological  
30 children, stepchildren, grandchildren, great-grandchildren, and  
31 any other lineal descendants of the taxpayer.  
32 (b) "Sale of a business" means the sale of all or  
33 substantially all of the tangible personal property, intangible  
34 property, or service of the business, or the sale of all  
35 or substantially all of the stock or equity interests

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1 in the business, whether the business is held as a sole  
2 proprietorship, corporation, partnership, joint venture, trust,  
3 limited liability company, or another business entity.

4 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies  
5 retroactively to January 1, 2012, for tax years beginning on  
6 or after that date.

7 EXPLANATION

8 This bill relates to the taxation of net capital gains from  
9 the sale of a business.

10 This state provides an exclusion from the computation of net  
11 income for the individual state income tax of any net capital  
12 gains realized from the sale of a business if the taxpayer held  
13 the business for at least 10 years and materially participated  
14 in the business for at least 10 years.

15 Under current law, "sale of a business" is defined as the  
16 sale of all or substantially all of the tangible personal  
17 property or service of the business. The bill expands the  
18 definition to include intangible property, or the sale of  
19 all or substantially all of the stock or equity interests  
20 in the business, whether the business is held as a sole  
21 proprietorship, corporation, partnership, joint venture, trust,  
22 limited liability company, or another business entity.

23 The bill applies retroactively to January 1, 2012, for tax  
24 years beginning on or after that date.



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House Study Bill 569 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL BY  
CHAIRPERSON WAGNER)

A BILL FOR

1 An Act relating to annual meeting requirements for rural water  
2 districts.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5661YC (1) 84  
aw/nh



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H.F. \_\_\_\_\_

1 Section 1. Section 357A.8, subsection 1, Code 2011, is  
2 amended to read as follows:  
3 1. For an annual meeting of participating members ~~between~~  
4 ~~January 1 and May 1~~ of each year following the year of  
5 incorporation of the district, and for the mailing of written  
6 notice of the time and place of each annual meeting to each  
7 participating member and publication of the notice in a  
8 newspaper of general circulation in the district not less than  
9 ten nor more than thirty days prior to each meeting.

10 EXPLANATION

11 This bill relates to meeting requirements for rural water  
12 districts. The bill provides that the bylaws of each rural  
13 water district are required to include provisions for an annual  
14 meeting of participating members each year following the  
15 incorporation of the district. Current law requires that the  
16 annual meeting occur between January 1 and May 1 of each year.



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House Study Bill 570 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to horses and dogs engaged in police service  
2 by providing for acts involving injury or interference, and  
3 providing for penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5647HC (3) 84  
da/nh



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H.F. \_\_\_\_\_

1 Section 1. NEW SECTION. 717.9 Injury or interference with  
2 a police service horse.

3 1. A person who knowingly, and willfully or maliciously  
4 torments, strikes, administers a nonpoisonous desensitizing  
5 substance to, or otherwise interferes with a police service  
6 horse, without inflicting serious injury on the police service  
7 horse, commits a serious misdemeanor.

8 2. A person who knowingly, and willfully or maliciously does  
9 any of the following commits a class "D" felony:

10 a. Tortures a police service horse.

11 b. Injures, so as to disfigure or disable, a police service  
12 horse.

13 c. Sets a booby trap device for purposes of injuring, so as  
14 to disfigure or disable, or killing a police service horse.

15 d. Pays or agrees to pay a bounty for purposes of injury, so  
16 as to disfigure or disable, or kill a police service horse.

17 e. Kills a police service horse.

18 f. Administers poison to a police service horse.

19 3. As used in this section, "*police service horse*" means a  
20 horse used by a peace officer or correctional officer in the  
21 performance of the officer's duties, whether or not the horse  
22 is on duty.

23 4. This section does not apply to any of the following:

24 a. A peace officer or veterinarian who treats a police  
25 service horse, if the treatment is for the purpose of  
26 rehabilitating the police service horse or relieving the police  
27 service horse of undue pain or suffering, and which may include  
28 terminating the horse's life.

29 b. A person who justifiably acts in defense of self or  
30 another person.

31 Sec. 2. Section 717B.9, subsection 4, Code 2011, is amended  
32 by striking the subsection and inserting in lieu thereof the  
33 following:

34 4. This section does not apply to any of the following:

35 a. A peace officer or veterinarian who treats a police

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1 service dog, if the treatment is for the purpose of  
2 rehabilitating the police service dog or relieving the police  
3 service dog of undue pain or suffering, and which may include  
4 terminating the dog's life.

5     *b.* A person who justifiably acts in defense of self or  
6 another person.

7                                   EXPLANATION

8     This bill creates criminal offenses for acts performed  
9 against a police service horse which result in an injury to the  
10 horse or some form of interference with its official duties.  
11 If enacted, the bill's provisions could be codified in Code  
12 chapter 717 which in part prohibits the abuse of livestock,  
13 including equine. The bill's provisions defining offenses and  
14 penalties closely resemble provisions currently in the Code  
15 chapter applicable to animals other than livestock and which  
16 specifically prohibits injuring or interfering with a police  
17 service dog (Code section 717B.9).

18     Under the bill, a person commits a serious misdemeanor by  
19 knowingly, and willfully or maliciously abusing or otherwise  
20 interfering with a police service horse, without inflicting  
21 serious injury. A serious misdemeanor is punishable by  
22 confinement for no more than one year and a fine of at least  
23 \$315 but not more than \$1,875.

24     Under the bill, a person commits a class "D" felony by  
25 knowingly, and willfully or maliciously torturing, or injuring  
26 a police service horse in a manner that causes disfigurement or  
27 disability; setting a booby trap device for purposes of causing  
28 such injury or death; paying or agreeing to pay a bounty for  
29 purposes of causing such injury or death; killing a police  
30 service horse; or administering poison to a police service  
31 horse. A class "D" felony is punishable by confinement for no  
32 more than five years and a fine of at least \$750 but not more  
33 than \$7,500.

34     The bill's definition of a police service horse mirrors the  
35 definition of a police service dog. Under the bill, a police

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1 service horse must be used by a peace officer or correctional  
2 officer in the performance of the officer's duties, whether or  
3 not the animal is on duty.

4 The bill creates two exceptions, first for a peace officer  
5 or veterinarian who treats a police service horse to provide  
6 for either rehabilitation or termination, and second for a  
7 person who justifiably acts in self-defense or in the defense  
8 of another person. The bill also amends the current provision  
9 relating to police service dogs to correspond to the treatment  
10 exception applicable to police service horses under the bill.



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House Study Bill 571 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
COMMERCE/BANKING DIVISION  
BILL)

A BILL FOR

1 An Act relating to matters under the purview and authority of  
2 the professional licensing and regulation bureau of the  
3 banking division of the department of commerce.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 354.2, subsections 15, 18, and 19, Code  
2 2011, are amended to read as follows:

3 15. "*Plat of survey*" means the graphical representation of a  
4 survey of one or more parcels of land, including a complete and  
5 accurate description of each parcel within the plat, prepared  
6 by a ~~registered~~ licensed professional land surveyor.

7 18. "*Subdivision plat*" means the graphical representation  
8 of the subdivision of land, prepared by a ~~registered~~ licensed  
9 professional land surveyor, having a number or letter  
10 designation for each lot within the plat and a succinct name or  
11 title that is unique for the county where the land is located.

12 19. "*Surveyor*" means a ~~registered~~ licensed professional land  
13 surveyor who engages in the practice of land surveying pursuant  
14 to chapter 542B.

15 Sec. 2. Section 354.4, subsection 3, paragraph c, Code 2011,  
16 is amended to read as follows:

17 c. The plat shall be signed and dated by a surveyor, bear  
18 the surveyor's Iowa ~~registration~~ license number and legible  
19 seal, and shall show a north arrow and bar scale.

20 Sec. 3. Section 355.1, subsections 9, 11, and 12, Code 2011,  
21 are amended to read as follows:

22 9. "*Plat of survey*" means a graphical representation of a  
23 survey of one or more parcels of land, including a complete and  
24 accurate description of each parcel within the plat, prepared  
25 by a ~~registered~~ licensed professional land surveyor.

26 11. "*Subdivision plat*" means a graphical representation  
27 of the subdivision of land, prepared by a ~~registered~~ licensed  
28 professional land surveyor, having a number or letter  
29 designation for each lot within the plat and a succinct name or  
30 title that is unique for the county where the land is located.

31 12. "*Surveyor*" means a ~~registered~~ licensed professional land  
32 surveyor who engages in the practice of land surveying pursuant  
33 to chapter 542B.

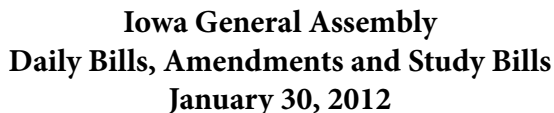
34 Sec. 4. Section 355.6, subsection 1, Code 2011, is amended  
35 to read as follows:

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1 1. The surveyor shall confirm the prior establishment of  
2 control monuments at each controlling corner on the boundaries  
3 of the parcel or tract of land being surveyed. If no control  
4 monuments exist, the surveyor shall place the monuments.  
5 Control monuments shall be constructed of reasonably permanent  
6 material solidly embedded in the ground and capable of being  
7 detected by commonly used magnetic or electronic equipment.  
8 The surveyor shall affix a cap of reasonably inert material  
9 bearing an embossed or stencil cut marking of the Iowa  
10 registration license number of the surveyor to the top of each  
11 monument which the surveyor places.

14 15. The plat shall contain a statement by a surveyor that  
15 the work was done and the plat was prepared by the surveyor  
16 or under the surveyor's direct personal supervision, shall be  
17 signed and dated by the surveyor, and shall bear the surveyor's  
18 Iowa registration license number and legible seal.

21 21. The plat shall be accompanied by a description of  
22 the land included in the subdivision and shall contain a  
23 statement by the surveyor that the work was done and the plat  
24 was prepared by the surveyor or under the surveyor's direct  
25 personal supervision and shall be signed and dated by the  
26 surveyor and bear the surveyor's Iowa registration license  
27 number and legible seal.

30 f. The certificate shall contain a statement by the surveyor  
31 that the work was done and the certificate was prepared by the  
32 surveyor or under the surveyor's direct personal supervision  
33 and shall be signed and dated by the surveyor and bear the  
34 surveyor's Iowa ~~registration~~ license number and seal.

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1 following new subsection:

2 NEW SUBSECTION. 6A. The term "*land surveyor*" shall mean  
3 a person licensed as a professional land surveyor under the  
4 provisions of chapter 542B.

5 Sec. 9. Section 523I.314A, subsection 2, Code 2011, is  
6 amended to read as follows:

7 2. Prior to the sale of interment rights in an undeveloped  
8 area of a cemetery, internal reference markers shall be  
9 installed and maintained no more than one hundred feet apart.  
10 The internal reference markers shall be established with  
11 reference to survey markers that are no more than two hundred  
12 feet apart, have been set by a licensed professional land  
13 surveyor and mapper, and have been documented in a land plat  
14 of survey. Both the map and the land plat of survey shall be  
15 maintained by the cemetery and made available upon request to  
16 the commissioner and to members of the public.

17 Sec. 10. Section 542B.1, Code 2011, is amended to read as  
18 follows:

19 **542B.1 Licensed engineers and surveyors.**

20 A person shall not engage in the practice of engineering or  
21 land surveying in the state unless the person is a licensed  
22 professional engineer or a licensed professional land surveyor  
23 as provided in this chapter, except as permitted by section  
24 542B.26.

25 Sec. 11. Section 542B.2, subsections 7 and 9, Code 2011, are  
26 amended to read as follows:

27 7. The term "*land surveyor*" as used in this chapter shall  
28 mean a person who engages in the practice of professional land  
29 surveying as defined in this section. Unless the context  
30 otherwise requires, any reference in this chapter to "*land*  
31 *surveyor*" or "*land surveying*" means "*professional land surveyor*"  
32 or "*professional land surveying*".

33 9. The term "*professional engineer*" as used in this chapter  
34 means a person, who, by reason of the person's knowledge  
35 of mathematics, the physical sciences, and the principles

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1 of engineering, acquired by professional education or  
2 practical experience, is qualified to engage in the practice  
3 of engineering. Unless the context otherwise requires, any  
4 reference in this chapter to "engineer" or "engineering" means  
5 "professional engineer" or "professional engineering".

6 Sec. 12. Section 542B.3, Code 2011, is amended to read as  
7 follows:

8 **542B.3 Engineering and land surveying examining board**  
9 **created.**

10 An engineering and land surveying examining board is created  
11 within the professional licensing and regulation bureau of  
12 the banking division of the department of commerce. The  
13 board consists of four members who are licensed professional  
14 engineers, one member who is a licensed professional land  
15 surveyor or a professional engineer who is also a licensed  
16 professional land surveyor, and two members who are not  
17 licensed professional engineers or licensed professional land  
18 surveyors and who shall represent the general public. Members  
19 shall be appointed by the governor subject to confirmation by  
20 the senate. A licensed member shall be actively engaged in the  
21 practice of engineering or land surveying and shall have been  
22 so engaged for five years preceding the appointment, the last  
23 two of which shall have been in Iowa. Insofar as practicable,  
24 licensed engineer members of the board shall be from different  
25 branches of the profession of engineering. Professional  
26 associations or societies composed of licensed engineers or  
27 licensed land surveyors may recommend the names of potential  
28 board members whose profession is representative of that  
29 association or society to the governor. However, the governor  
30 is not bound by the recommendations. A board member shall not  
31 be required to be a member of any professional association or  
32 society composed of professional engineers or professional land  
33 surveyors.

34 Sec. 13. Section 542B.11, Code 2011, is amended to read as  
35 follows:

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1     **542B.11 Staff — duties.**

2     The staff shall keep on file a record of all certificates  
3 of licensure granted and shall make annual revisions of the  
4 record as necessary. ~~In revising the record the staff shall~~  
5 ~~communicate biennially by mail with every professional engineer~~  
6 ~~and surveyor licensed under this chapter, as provided in~~  
7 ~~section 542B.18.~~

8     Sec. 14. Section 542B.14, unnumbered paragraph 1, Code  
9 2011, is amended to read as follows:

10    Each applicant for licensure as a professional engineer or  
11 professional land surveyor shall have all of the following  
12 requirements, respectively, to wit:

13    Sec. 15. Section 542B.14, subsection 2, unnumbered  
14 paragraph 1, Code 2011, is amended to read as follows:

15    As a professional land surveyor:

16    Sec. 16. Section 542B.16, subsection 1, Code 2011, is  
17 amended to read as follows:

18    1. Each licensee, upon licensure, shall obtain a seal of a  
19 design approved by the board, bearing the licensee's name, Iowa  
20 license number, and the words "professional engineer" or "~~land~~  
21 professional land surveyor" or both, as the case may be. A  
22 legible rubber stamp or other facsimile of the seal may be used  
23 and shall have the same effect as the use of the actual seal.

24    Sec. 17. Section 542B.17, Code 2011, is amended to read as  
25 follows:

26     **542B.17 Certificate Engineer's certificate.**

27    The board shall issue a certificate of licensure as a  
28 professional engineer to an applicant who has passed the  
29 examination as a professional engineer and who has paid  
30 an additional fee. The certificate shall be signed by the  
31 chairperson and secretary of the board under the seal of the  
32 board. The certificate shall authorize the applicant to engage  
33 in the practice of engineering. The certificate shall not  
34 carry with it the right to practice land surveying, unless  
35 specifically so stated on the certificate, which permission

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1 shall be granted by the board without additional fee in cases  
2 where the applicant duly qualifies as a professional land  
3 surveyor as prescribed by the rules of the board.

4 Sec. 18. Section 542B.18, Code 2011, is amended to read as  
5 follows:

6 **542B.18 Expirations and renewals.**

7 Certificates of licensure shall expire in ~~multiyear~~  
8 intervals as determined by the board. ~~It shall be the~~  
9 ~~duty of the secretary of the board to notify every person~~  
10 ~~licensed under this chapter, of the date of expiration of the~~  
11 ~~certificate and the amount of the fee that shall be required~~  
12 ~~for its renewal; such notice shall be mailed at least one month~~  
13 ~~in advance of the date of the expiration of the certificate.~~  
14 Renewal may be effected by the payment of a fee the amount of  
15 which shall be determined by the board. The failure on the  
16 part of any licensee to renew a certificate in the month of  
17 expiration as required above shall not deprive a person of the  
18 right of renewal. A person who fails to renew a certificate  
19 by the expiration date shall be allowed to do so within thirty  
20 days following its expiration, but the board may assess a  
21 reasonable penalty. For the duration of any war in which the  
22 United States is engaged the board may, in its discretion,  
23 defer the collection of renewal fees without penalty, which  
24 have or may become due from licensed professional engineers  
25 who are employed in the war effort, and residing outside the  
26 state, or who are members of the armed forces of the United  
27 States, and may renew the engineering certificates of licensed  
28 professional engineers.

29 Sec. 19. Section 542B.19, Code 2011, is amended to read as  
30 follows:

31 **542B.19 Land surveyor's certificate.**

32 To any applicant who shall have passed the examination  
33 as a professional land surveyor and who shall have paid an  
34 additional fee as set by the board, the board shall issue  
35 a certificate of licensure signed by its chairperson and

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1 secretary under the seal of the board, which certificate shall  
2 authorize the applicant to practice land surveying as defined  
3 in this chapter and to administer oaths to assistants and to  
4 witnesses produced for examination, with reference to facts  
5 connected with land surveys being made by such professional  
6 land surveyor.

7 Sec. 20. Section 542B.20, unnumbered paragraph 1, Code  
8 2011, is amended to read as follows:

9 A person holding a certificate of licensure as a  
10 professional engineer or professional land surveyor issued to  
11 the person by a proper authority of a state, territory, or  
12 possession of the United States, the District of Columbia,  
13 or of any foreign country, based on requirements and  
14 qualifications, in the opinion of the board equal to or higher  
15 than the requirements of this chapter, may be licensed without  
16 further examination.

17 Sec. 21. Section 542B.24, Code 2011, is amended to read as  
18 follows:

19 **542B.24 Injunction.**

20 Any person who is not legally authorized to practice in this  
21 state according to the provisions of this chapter, and shall  
22 practice, or shall in connection with the person's name use  
23 any designation tending to imply or designate the person as a  
24 professional engineer or professional land surveyor, may be  
25 restrained by permanent injunction.

26 Sec. 22. Section 542B.26, Code 2011, is amended to read as  
27 follows:

28 **542B.26 Applicability of chapter.**

29 1. a. This chapter shall not apply to any full-time  
30 employee of any corporation while doing work for that  
31 corporation, except in the case of corporations offering  
32 their services to the public as professional engineers or  
33 professional land surveyors.

34 b. Corporations engaged in designing buildings or works for  
35 public or private interests not their own shall be deemed to be

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1 engaged in the practice of engineering within the meaning of  
2 this chapter. With respect to such corporations all principal  
3 designing or constructing engineers shall hold certificates of  
4 licensure issued under this chapter. This chapter shall not  
5 apply to corporations engaged solely in constructing buildings  
6 and works.

7 2. This chapter shall not apply to any professional engineer  
8 or professional land surveyor working for the United States  
9 government, nor to any professional engineer or professional  
10 land surveyor employed as an assistant to a professional  
11 engineer or professional land surveyor licensed under this  
12 chapter if such assistant is not placed in responsible charge  
13 of any work involving the practice of engineering or land  
14 surveying work, nor to the operation or maintenance of power  
15 and mechanical plants or systems.

16 Sec. 23. Section 542B.27, subsection 1, Code 2011, is  
17 amended to read as follows:

18 1. In addition to any other penalties provided for in this  
19 chapter, the board may by order impose a civil penalty upon a  
20 person who is not licensed under this chapter as a professional  
21 engineer or a professional land surveyor and who does any of  
22 the following:

23 a. Engages in or offers to engage in the practice of  
24 professional engineering or professional land surveying.

25 b. Uses or employs the words "professional engineer" or  
26 ~~"land "~~professional land surveyor", or implies authorization  
27 to provide or offer professional engineering or professional  
28 land surveying services, or otherwise uses or advertises any  
29 title, word, figure, sign, card, advertisement, or other symbol  
30 or description tending to convey the impression that the person  
31 is a professional engineer or professional land surveyor or  
32 is engaged in the practice of professional engineering or  
33 professional land surveying.

34 c. Presents or attempts to use the certificate of licensure  
35 or the seal of a professional engineer or professional land

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1 surveyor.

2     *d.* Gives false or forged evidence of any kind to the board  
3 or any member of the board in obtaining or attempting to obtain  
4 a certificate of licensure.

5     *e.* Falsely impersonates any licensed professional engineer  
6 or professional land surveyor.

7     *f.* Uses or attempts to use an expired, suspended, revoked,  
8 or nonexistent certificate of licensure.

9     *g.* Knowingly aids or abets an unlicensed person who engages  
10 in any activity identified in this subsection.

11     Sec. 24. Section 542B.35, subsection 2, paragraph c, Code  
12 2011, is amended to read as follows:

13     *c.* A person who completes the real property inspection  
14 report shall not claim to be a licensed professional land  
15 surveyor or a licensed professional engineer for purposes of  
16 the report.

17     Sec. 25. Section 543C.2, subsection 5, Code 2011, is amended  
18 to read as follows:

19     5. The complete description of the land offered for  
20 subdivision by lots, plots, blocks, or sales, with or without  
21 streets, together with plats certified to by a duly ~~registered~~  
22 professional land surveyor accompanied by a certificate  
23 attached thereto showing the date of the completion of the  
24 survey and of the making of the plat and the name of the  
25 subdivision for the purpose of identification of the subdivided  
26 land or any part thereof.

27     Sec. 26. Section 544A.10, Code 2011, is amended to read as  
28 follows:

29     **544A.10 Renewals.**

30     Certificates of registration expire in ~~multiyear~~ intervals  
31 as determined by the board. Registered architects shall renew  
32 their certificates of registration and pay a renewal fee in  
33 the manner prescribed by the board. The board shall prescribe  
34 the conditions and reasonable penalties for renewal after a  
35 certificate's expiration date.

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1 Sec. 27. Section 544B.12, Code 2011, is amended to read as  
2 follows:

3 **544B.12 Seal.**

4 Every professional landscape architect shall have a seal,  
5 approved by the board, which shall contain the name of the  
6 landscape architect and the words "Professional Landscape  
7 Architect, State of Iowa", and such other words or figures as  
8 the board may deem necessary. All landscape architectural  
9 plans and specifications, prepared by such professional  
10 landscape architect or under the supervision of such  
11 professional landscape architect, shall be dated and bear the  
12 legible seal of such professional landscape architect. Nothing  
13 contained in this section shall be construed to permit the seal  
14 of a professional landscape architect to serve as a substitute  
15 for the seal of a registered architect, a licensed professional  
16 engineer, or a licensed professional land surveyor whenever the  
17 seal of an architect, engineer, or land surveyor is required  
18 under the laws of this state.

19 Sec. 28. Section 544B.13, Code 2011, is amended to read as  
20 follows:

21 **544B.13 Renewals.**

22 Certificates of licensure shall expire in ~~multi-year~~  
23 intervals as determined by the board. Professional landscape  
24 architects shall renew their certificates of licensure and pay  
25 a renewal fee in the manner and amount prescribed by the board.  
26 A person who fails to renew a certificate by the expiration  
27 date shall be allowed to do so within thirty days following its  
28 expiration, but the board may assess a reasonable penalty.

29 Sec. 29. Section 544B.20, subsection 4, Code 2011, is  
30 amended to read as follows:

31 4. To affect or prevent the practice of land surveying by a  
32 professional land surveyor ~~registered~~ licensed under the laws  
33 of this state.

34 Sec. 30. Section 558A.4, subsection 1, paragraph b, Code  
35 Supplement 2011, is amended to read as follows:

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1     **b.** The disclosure statement may include a report or written  
2 opinion prepared by a person qualified to make judgment based  
3 on education or experience, as provided by rules adopted by  
4 the commission, including but not limited to a professional  
5 land surveyor licensed pursuant to chapter 542B, a geologist, a  
6 structural pest control operator licensed pursuant to section  
7 206.6, or a building contractor. The report or opinion on a  
8 matter within the scope of the person's practice, profession,  
9 or expertise shall satisfy the requirements of this section or  
10 rules adopted by the commission regarding that matter required  
11 to be disclosed. If the report or opinion is in response  
12 to a request made for purposes of satisfying the disclosure  
13 statement, the report or opinion shall indicate which part of  
14 the disclosure statement the report or opinion satisfies.

15     Sec. 31. Section 568.15, Code 2011, is amended to read as  
16 follows:

17     **568.15 How constituted.**

18     The members of the commission shall be selected with  
19 reference to their fitness for the duties required and at least  
20 one of them shall be a competent licensed professional land  
21 surveyor and competent licensed professional civil engineer.

22     Sec. 32. Section 622.42, Code 2011, is amended to read as  
23 follows:

24     **622.42 Field notes and plats.**

25     A copy of the field notes of any licensed professional  
26 land surveyor, or a plat made by the surveyor and certified  
27 under oath as correct, may be received as evidence to show the  
28 shape or dimensions of a tract of land, or any other fact the  
29 ascertainment of which requires the exercise of scientific  
30 skill or calculation only.

31     Sec. 33. Section 633.249, Code 2011, is amended to read as  
32 follows:

33     **633.249 Mode of setting off share in real estate.**

34     The referees may employ a licensed professional land  
35 surveyor, and may cause the shares in real estate to be set off

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1 by legally sufficient land descriptions. They shall make a  
2 report of their proceedings to the court as early as reasonably  
3 possible.

4 Sec. 34. Section 650.7, Code 2011, is amended to read as  
5 follows:

6 **650.7 Commission.**

7 The court in which ~~said~~ the action is brought shall appoint  
8 a commission of one or more disinterested licensed professional  
9 land surveyors, who shall, at a date and place fixed by the  
10 court in the order of appointment, proceed to locate the lost,  
11 destroyed, or disputed corners and boundaries.

12 EXPLANATION

13 This bill relates to matters under the purview of the  
14 professional licensing and regulation bureau of the banking  
15 division of the department of commerce.

16 The bill updates provisions relating to land surveyors and  
17 the practice of land surveying. The bill deletes outdated  
18 references to "registered" land surveyors, substituting instead  
19 the more current and accurate "licensed" land surveyors.  
20 Additionally, to ensure consistency regarding references to  
21 "professional engineers" or "licensed professional engineers",  
22 the bill makes corresponding references to "professional land  
23 surveyors" or "licensed professional land surveyors" where  
24 appropriate.

25 The bill removes provisions relating to staff communication  
26 by mail with professional engineers and land surveyors  
27 regarding licensure status and removes references to  
28 license expiration in multiyear intervals in connection  
29 with professional engineers and land surveyors, registered  
30 architects, and landscape architects.

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House Study Bill 572 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act subjecting the acts of an auctioneer in conducting a  
2 public sale or auction of real estate to real estate broker  
3 and salesperson licensing provisions, making penalties  
4 applicable, and including effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 543B.3, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 10. Conducts as an auctioneer an auction  
4 or public sale of real estate.

5 Sec. 2. Section 543B.5, Code 2011, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 3A. "*Auction*" or "*public sale*" means  
8 the process of buying, selling, offering for rent or option,  
9 leasing, or otherwise exchanging real estate pursuant to the  
10 soliciting and taking of bids followed by the transfer of the  
11 real estate or interest therein to the winning or qualifying  
12 bidder.

13 Sec. 3. Section 543B.7, subsection 5, Code 2011, is amended  
14 by striking the subsection.

15 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1, 2013.

16 EXPLANATION

17 This bill subjects the actions of an auctioneer in  
18 conducting an auction or public sale of real estate to real  
19 estate broker and salesperson licensing provisions contained in  
20 Code chapter 543B.

21 The bill defines an "auction" or "public sale" as the process  
22 of buying, selling, offering for rent or option, leasing, or  
23 otherwise exchanging real estate pursuant to the soliciting  
24 and taking of bids followed by the transfer of the real estate  
25 or interest therein to the winning or qualifying bidder.

26 The bill includes conducting as an auctioneer an auction or  
27 public sale of real estate as an activity constituting the  
28 actions of a real estate broker and thereby subject to the Code  
29 chapter's licensing provisions. The bill deletes a provision  
30 which exempts the actions of an auctioneer under specified  
31 circumstances from being subject to the Code chapter.

32 The actions of an auctioneer will be subject to license  
33 suspension or revocation provisions, and civil and criminal  
34 penalty provisions contained in Code sections 543B.34, 543B.43,  
35 and 543B.48.

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H.F. \_\_\_\_\_

1     The bill takes effect July 1, 2013.



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House Study Bill 573 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act providing a definition for the term "locating" as  
2 applicable to the practice of land surveying.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6005YC (3) 84  
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H.F. \_\_\_\_\_

1 Section 1. Section 542B.2, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 7A. The term "*locating*" as used in this  
4 chapter means the permanent affixing of a marker to the earth  
5 for the purpose of establishing a lot or property boundary.  
6 The term "*locating*" does not refer to the physical discovery or  
7 observation of existing markers.

8 EXPLANATION

9 This bill provides a definition for the term "*locating*" as  
10 performed in the practice of land surveying.

11 Code chapter 542B defines the practice of "*land surveying*"  
12 to include, among other specified actions and services,  
13 locating, relocating, establishing, reestablishing, setting,  
14 or resetting of permanent monumentation for any property line  
15 or boundary of any tract or parcel of land. The bill provides  
16 that the term "*locating*" as used in that definition means the  
17 permanent affixing of a marker to the earth for the purpose  
18 of establishing a lot or property boundary. The bill states  
19 that "*locating*" does not refer to the physical discovery or  
20 observation of existing markers.



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House Study Bill 574 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act requiring advance notification to utilities by the owner  
2 of an alternative energy production facility of construction  
3 or installation of the facility.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5944YC (2) 84  
rn/sc

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H.F. \_\_\_\_\_

1       Section 1. NEW SECTION.   476.6A   Alternative energy  
2   **production facilities — notification requirements.**  
3       No later than thirty days prior to commencement of the  
4   construction or installation of an alternative energy  
5   production facility, as defined in section 476.42, the owner  
6   of the facility shall provide written notice to the electric  
7   public utility within whose service territory the facility  
8   is located of the owner's intent to construct or install the  
9   facility, the type of facility to be constructed or installed,  
10   and the date that the facility is anticipated to commence  
11   operation.

EXPLANATION

13 This bill requires the owner of an alternative energy  
14 production facility, as defined in Code section 476.42,  
15 to provide written notice no later than 30 days prior to  
16 commencement of the construction or installation of the  
17 facility to the electric public utility within whose service  
18 territory the facility is located. The notice shall include  
19 the fact that the facility is being constructed or installed,  
20 the type of facility to be constructed or installed, and the  
21 date that the facility is anticipated to commence operation.



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**Senate File 2072 - Introduced**

SENATE FILE 2072  
BY SODDERS

**A BILL FOR**

1 An Act relating to stray electric current or voltage and civil  
2 actions to recover resulting damages.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5428XS (9) 84  
rn/nh



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1 Section 1. NEW SECTION. 476D.1 Short title.

2 This chapter shall be known and may be cited as the "*Stray*  
3 *Current and Voltage Remediation Act*".

4 Sec. 2. NEW SECTION. 476D.2 Legislative findings and  
5 intent.

6 The general assembly finds that the efficient and safe  
7 distribution of electricity is critical to the well-being  
8 of the citizens and economy of this state, including the  
9 business of agriculture, and that this chapter is necessary for  
10 the protection of the public welfare. The general assembly  
11 recognizes that stray current or voltage is a normal, inherent,  
12 and unavoidable result of electricity traveling through  
13 grounded electrical systems, including a dairy producer's  
14 on-farm system and a utility's distribution system, which  
15 systems are required by the national electrical code and the  
16 national electrical safety code to be grounded to the earth  
17 to ensure continuous safety and reliability. The general  
18 assembly finds that the potential impact of stray current or  
19 voltage on dairy cows is a matter of interest and concern to  
20 dairy producers with dairies situated near and served by a  
21 multigrounded multiple exchange electrical distribution system  
22 or similar electrical distribution system utilized by utilities  
23 in this state. Scientific research has established a level of  
24 stray current or voltage at or below which no effect on a dairy  
25 cow's behavior, health, or milk production has been shown. To  
26 provide for the continued safe and efficient availability of  
27 electricity while addressing complaints regarding stray current  
28 or voltage, it is necessary and appropriate to establish a  
29 uniform preventive action level; establish uniform procedures  
30 and protocols for measurements of stray current or voltage;  
31 require, when necessary, that the sources of stray current  
32 or voltage be identified; require, when necessary, adequate  
33 remediation; and establish procedures for handling complaints.

34 Sec. 3. NEW SECTION. 476D.3 Definitions.

35 As used in this chapter, unless the context otherwise

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1 requires:

2 1. *"Adequate remediation"* means corrective action by a  
3 utility which results in, and is reasonably likely to sustain,  
4 a reduction of stray current or voltage attributable to the  
5 utility's distribution system to fifty percent or less of the  
6 preventive action level.

7 2. *"Board"* means the utilities board within the utilities  
8 division of the department of commerce.

9 3. *"Cow contact points"* means any two electrically  
10 conductive points which a dairy cow may, in its normal  
11 environment, unavoidably and simultaneously contact.

12 4. *"Dairy producer"* means any person or entity that owns or  
13 operates a dairy farm or who owns cows that do or are intended  
14 to produce milk.

15 5. *"Preventive action level"* is stray current or voltage  
16 constituting either of the following:

17 a. A steady-state, root mean square alternating current  
18 of two milliamp or more through a five hundred ohm resistor  
19 connected between cow contact points, as measured by a true  
20 root mean square meter.

21 b. A steady-state, root mean square alternating current  
22 voltage of one volt or more, across or in parallel with a five  
23 hundred ohm resistor connected between cow contact points, as  
24 measured by a true root mean square meter.

25 6. *"Steady-state"* means the value of a current or voltage  
26 after an amount of time where all transients have decayed to a  
27 negligible value.

28 7. *"Stray current or voltage"* means either of the following:

29 a. Any steady-state, sixty hertz, including harmonics  
30 thereof, root mean square alternating current of less than  
31 twenty milliamp through a five hundred ohm resistor connected  
32 between cow contact points, as measured by a true root mean  
33 square meter.

34 b. Any steady-state, sixty hertz, including harmonics  
35 thereof, root mean square alternating current voltage of less



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1 than ten volts, across or in parallel with a five hundred ohm  
2 resistor connected between cow contact points, as measured by  
3 a true root mean square meter.

4 8. *Utility* means a public utility as defined in Code  
5 section 476.1.

6 Sec. 4. NEW SECTION. 476D.4 Rules.

7 The board shall by rule establish standard procedures  
8 and protocols which may be used for the measurement of stray  
9 current or voltage. The board shall review the rules from time  
10 to time, or upon petition to the board, to ensure that the  
11 standard procedures and protocols continue to be scientifically  
12 and technologically accurate and a reliable means of detecting  
13 stray current or voltage. Other measurements of stray current  
14 or voltage made using other procedures and protocols may be  
15 considered by the board in appropriate cases.

16 Sec. 5. NEW SECTION. 476D.5 Claims — notice — utility  
17 response.

18 1. A dairy producer in this state who claims that its dairy  
19 cows are being affected by any form or type of electrical  
20 energy allegedly attributable to a utility including, without  
21 limitation, stray current or voltage, shall, before commencing  
22 any civil action against the utility, provide written notice  
23 of the claim to the utility. The notice shall specify why the  
24 dairy producer believes its dairy cows are being affected by  
25 electrical energy attributable to the utility. Within fourteen  
26 business days of receipt of such notice, if the notice alleges  
27 stray current or voltage, the utility shall make arrangements  
28 to take or cause measurements to be taken at cow contact points  
29 at the dairy producer's dairy to identify the existence and  
30 magnitude of stray current or voltage, if any.

31 2. If the utility finds a level of stray current or voltage  
32 at cow contact points in excess of the preventive action level,  
33 the utility shall promptly identify that portion, if any,  
34 of the stray current or voltage that is attributable to the  
35 utility's distribution system. If that portion of the stray

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1 current or voltage at cow contact points attributable to the  
2 utility's distribution system exceeds fifty percent of the  
3 preventive action level, the utility shall, within fifteen  
4 business days, commence and diligently pursue to completion,  
5 remedial procedures which result in, and are reasonably likely  
6 to sustain, a reduction of the stray current or voltage at  
7 cow contact points attributable to the utility's distribution  
8 system to fifty percent or less of the preventive action level.

9     Sec. 6. NEW SECTION. 476D.6 Jurisdiction — contested case  
10 proceedings — orders.

11     The board shall have exclusive, initial jurisdiction  
12 regarding actions taken pursuant to section 476D.5. Upon  
13 receiving a request from a dairy producer to review such  
14 actions, the board shall conduct a contested case proceeding  
15 pursuant to chapter 17A to determine whether a utility has  
16 complied with the board's rules regarding measurement of  
17 stray current or voltage, whether the utility's measurements  
18 demonstrated stray current or voltage at or above the  
19 preventive action level, whether any other measurements  
20 demonstrated stray current or voltage at or above the  
21 preventive action level, whether the utility properly  
22 identified that portion of the stray current or voltage at  
23 cow contact points attributable to the utility's distribution  
24 system, and whether the utility has complied with its  
25 remediation obligation under this chapter. The board may also  
26 arrange for third-party measurement of stray current or voltage  
27 in cases in which the board finds it reasonable to do so.

28     1. If the board determines that the utility complied with  
29 the rules regarding measurement of stray current or voltage,  
30 and properly identified no stray current or voltage in excess  
31 of the preventive action level, the board may issue an order  
32 that the utility has provided adequate service. The board's  
33 order shall be binding on the parties.

34     2. If the board determines that the utility complied with  
35 the rules regarding measurement of stray current or voltage,

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1 the utility properly identified stray current or voltage in  
2 excess of the preventive action level, and the utility properly  
3 identified that the portion of stray current or voltage  
4 attributable to the utility's distribution system was fifty  
5 percent or less of the preventive action level, the board may  
6 issue an order that the utility provided adequate service. The  
7 board's order shall be binding on the parties, subject only to  
8 the provisions of section 476D.7.

9 3. If the board determines that the utility complied with  
10 the rules regarding measurement of stray current or voltage,  
11 the utility properly identified stray current or voltage  
12 in excess of the preventive action level, and the utility  
13 properly identified that the portion of stray current or  
14 voltage attributable to the utility's distribution system  
15 exceeded fifty percent of the preventive action level, the  
16 board may determine the adequacy of the utility's remediation  
17 efforts. The board's order shall be binding on the parties,  
18 subject only to the provisions of section 476D.7. If the dairy  
19 producer has complied with the notice provisions set forth in  
20 section 476D.5, and the board has made a determination that the  
21 conditions set forth in this subsection are met, then the dairy  
22 producer may, not later than one year following completion of  
23 adequate remediation, or one year following the issuance of the  
24 board's final order, whichever occurs later, commence a civil  
25 action seeking monetary damages against the utility. In any  
26 such civil action, damages shall be limited as set forth in  
27 section 476D.8.

28 4. If the board determines that the utility failed to  
29 comply with the rules regarding measurement of stray current or  
30 voltage, the utility failed to properly identify, when required  
31 pursuant to section 476D.5 to do so, that portion of stray  
32 current or voltage attributable to the utility's distribution  
33 system, or the utility failed to provide adequate remediation,  
34 the board shall order the utility to take measurements of stray  
35 current or voltage in conformance with board rules, or identify



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1 that portion of the stray current or voltage attributable to  
2 the utility's distribution system and, if necessary, to provide  
3 adequate remediation. The board's order shall be binding on  
4 the parties, subject only to the provisions of section 476D.7.  
5 If the dairy producer complied with the notice provisions set  
6 forth in section 476D.5, and the board made a determination  
7 that the portion of stray current or voltage attributable to  
8 the utility's distribution system exceeded fifty percent of  
9 the preventive action level, then the dairy producer may,  
10 not later than one year following completion of adequate  
11 remediation, or one year following the issuance of the board's  
12 final order, whichever occurs later, commence a civil action  
13 seeking monetary damages against the utility. In any such  
14 civil action, damages shall be limited as set forth in section  
15 476D.8.

16 5. If the board determines that a dairy producer made or  
17 pursued a claim in bad faith or for purposes of harassment  
18 of the utility, the board shall require the dairy producer  
19 to pay the utility's actual costs of investigation and  
20 defense. If the board determines that a utility acted in  
21 bad faith, or for purposes of harassment or delay, the board  
22 shall require the utility to pay the dairy producer's actual  
23 costs of investigation, if any, and costs of preparation and  
24 presentation of the claim before the board. The board's order  
25 shall be binding on the parties, subject only to the provisions  
26 of section 476D.7.

27 Sec. 7. NEW SECTION. 476D.7 Civil actions.

28 A civil action shall not be commenced by a dairy producer  
29 against a utility seeking damages or other relief allegedly  
30 due to injury caused by any form or type of electrical energy  
31 allegedly attributable to a utility including, without  
32 limitation, stray current or voltage unless the dairy producer  
33 has complied with the provisions of section 476D.5, and the  
34 board has issued an order pursuant to section 476D.6. In any  
35 civil action against a utility for damages or other relief,

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1 after the dairy producer has complied with the provisions of  
2 section 476D.5, and the board has issued an order pursuant  
3 to section 476D.6, the board's order shall be admissible in  
4 evidence in such civil action.

5 Sec. 8. NEW SECTION. 476D.8 Damages.

6 In any civil action against a utility for damages pursuant  
7 to this chapter or other causes of action where damages  
8 are alleged to be caused by any form or type of electrical  
9 energy allegedly attributable to a utility including, without  
10 limitation, stray current or voltage, a dairy producer shall  
11 be limited to those damages which were incurred by the dairy  
12 producer during that period of time commencing twelve months  
13 prior to the dairy producer's provision of notice to the  
14 utility and ending on the date of completion of adequate  
15 remediation, if any, and with respect to stray current or  
16 voltage claims, were caused by that portion of the stray  
17 current or voltage attributable to the utility's distribution  
18 system. In any action for damages, a utility may assert a  
19 defense of comparative fault as set out in section 668.3.

20 Sec. 9. Section 657.1, subsection 2, Code 2011, is amended  
21 to read as follows:

22 2. Notwithstanding subsection 1, in ~~an~~ any type of nuisance  
23 ~~action to abate a nuisance~~ against an electric utility, an  
24 electric utility may assert a defense of comparative fault as  
25 set out in section 668.3 if the electric utility demonstrates  
26 that in the course of providing electric services to its  
27 customers it has complied with engineering and safety standards  
28 as adopted by the utilities board of the department of  
29 commerce, and if the electric utility has secured all permits  
30 and approvals, as required by state law and local ordinances,  
31 necessary to perform activities alleged to constitute a  
32 nuisance. In addition, a claim for nuisance shall not be  
33 asserted against an electric utility for damages due to stray  
34 current or voltage. Any claim against an electric utility for  
35 damages due to stray current or voltage shall be limited to

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1 claims of negligence, and shall be subject to the provisions of  
2 chapters 476D and 668. The utility's conduct in such claims  
3 shall be judged using a standard of ordinary care under the  
4 existing circumstances.

5 EXPLANATION

6 This bill concerns stray electric current or voltage,  
7 including the potential impact of stray electric current or  
8 voltage on dairy cows, and specifies procedures for adopting  
9 rules, filing complaints, measuring stray electric current or  
10 voltage, taking corrective action, and pursuing civil actions  
11 for damages.

12 The bill commences with a statement of legislative intent,  
13 noting that the general assembly finds that the potential  
14 impact of stray current or voltage on dairy cows is a matter of  
15 interest and concern to dairy producers with dairies situated  
16 near and served by electrical distribution systems utilized by  
17 utilities in Iowa, and that scientific research has established  
18 a level of stray current or voltage at or below which no effect  
19 on a dairy cow's behavior, health, or milk production has been  
20 shown.

21 The bill provides for the adoption of administrative rules  
22 by the Iowa utilities board establishing standard procedures  
23 and protocols for the measurement of stray current or voltage.  
24 The bill states that other measurements of stray current or  
25 voltage made using other procedures and protocols may be  
26 considered by the board in appropriate cases.

27 The bill provides that a dairy producer who claims that its  
28 dairy cows are being affected by any form or type of electrical  
29 energy allegedly attributable to a utility including, without  
30 limitation, stray current or voltage, shall, before commencing  
31 any civil action against the utility, provide written notice  
32 to the utility specifying why the dairy producer believes its  
33 dairy cows are being affected by electrical energy attributable  
34 to the utility. Within 14 business days of receipt of the  
35 notice, if the notice alleges stray current or voltage, the

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1 bill directs the utility to make arrangements to take or cause  
2 measurements to be taken at cow contact points at the dairy  
3 producer's dairy to identify the existence and magnitude of  
4 stray current or voltage, if any. The bill states that if a  
5 level of stray current or voltage in excess of a specified  
6 preventive action level is determined, the utility must  
7 identify that portion which is attributable to the utility's  
8 distribution system. If the portion of the stray current or  
9 voltage at cow contact points attributable to the utility's  
10 distribution system exceeds 50 percent of the preventive action  
11 level, the bill requires the utility, within 15 business days,  
12 to commence and diligently pursue to completion remedial  
13 procedures which shall reduce, and are reasonably likely to  
14 sustain, that portion of the stray current or voltage at cow  
15 contact points attributable to the utility's distribution  
16 system to 50 percent or less of the preventive action level.

17 The bill provides that the board shall have exclusive,  
18 initial jurisdiction regarding complaints by dairy producers  
19 and actions by utilities. Upon receiving a request from a  
20 dairy producer to review such actions, the board shall conduct  
21 a contested case proceeding to determine whether a utility has  
22 complied with the rules regarding measurement of stray current  
23 or voltage, whether the utility's measurements demonstrated  
24 stray current or voltage at or above the preventive action  
25 level, whether any other measurements demonstrated stray  
26 current or voltage at or above the preventive action level,  
27 whether the utility has properly identified that portion of the  
28 stray current or voltage at cow contact points attributable  
29 to the utility's distribution system, and whether the utility  
30 has complied with its remediation obligation. The board is  
31 authorized to arrange for third-party measurement of stray  
32 current or voltage if the board determines it reasonable to do  
33 so.

34 The bill provides, pursuant to a contested case proceeding,  
35 for the issuance of orders by the board. If a utility is found



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1 to have complied with the rules regarding measurement of stray  
2 current or voltage, and properly identified no stray current or  
3 voltage in excess of the preventive action level, the board may  
4 issue an order that the utility has provided adequate service.  
5 If a utility complied with the rules regarding measurement of  
6 stray current or voltage, properly identified stray current  
7 or voltage in excess of the preventive action level, and  
8 properly identified that the portion of stray current or  
9 voltage attributable to the utility's distribution system was  
10 50 percent or less of the preventive action level, the board  
11 may issue an order that the utility provided adequate service.  
12 If a utility complied with the rules regarding measurement of  
13 stray current or voltage, the utility properly identified stray  
14 current or voltage in excess of the preventive action level,  
15 and the utility properly identified that the portion of stray  
16 current or voltage attributable to the utility's distribution  
17 system exceeded 50 percent of the preventive action level, the  
18 board may determine the adequacy of the utility's remediation  
19 efforts. The bill states that in this event, and if a dairy  
20 producer has complied with the notice provisions, the dairy  
21 producer may, not later than one year following completion  
22 of adequate remediation, or one year following the issuance  
23 of the board's final order thereon, whichever occurs later,  
24 commence a civil action seeking monetary damages against  
25 the utility. If a utility failed to comply with the rules  
26 regarding measurement of stray current or voltage, failed to  
27 properly identify when required to do so that portion of stray  
28 current or voltage attributable to the utility's distribution  
29 system, or failed to provide adequate remediation, the board  
30 shall order the utility to take measurements of stray current  
31 or voltage in conformance with board rules, or identify that  
32 portion of the stray current or voltage attributable to the  
33 utility's distribution system and, if necessary, to provide  
34 adequate remediation. The bill states that if a dairy producer  
35 complied with the notice provisions, and the board made a



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1 determination that the portion of stray current or voltage  
2 attributable to the utility's distribution system exceeded 50  
3 percent of the preventive action level, the dairy producer  
4 may, not later than one year following completion of adequate  
5 remediation, or one year following the issuance of the board's  
6 final order, whichever occurs later, similarly commence a civil  
7 action seeking monetary damages against the utility. The bill  
8 states that if a dairy producer made or pursued a claim in bad  
9 faith or for purposes of harassment of the utility, the board  
10 shall require the dairy producer to pay the utility's actual  
11 costs of investigation and defense, and if a utility acted in  
12 bad faith, or for purposes of harassment or delay, the board  
13 shall require the utility to pay the dairy producer's actual  
14 costs of investigation, if any, and costs of preparation and  
15 presentation of the claim before the board.

16 The bill specifies that in any civil action against a  
17 utility for damages alleged to be caused by any form or type  
18 of electrical energy allegedly attributable to a utility  
19 including, without limitation, stray current or voltage, a  
20 dairy producer shall be limited to those damages which were  
21 incurred by the dairy producer during that period of time  
22 commencing 12 months prior to the dairy producer's provision of  
23 notice to the utility and ending on the date of completion of  
24 adequate remediation, if any, and with respect to stray current  
25 or voltage claims, were caused by that portion of the stray  
26 current or voltage attributable to the utility's distribution  
27 system. In any action for damages, a utility may assert a  
28 defense of comparative fault as set out in Code section 668.3.

29 Additionally, with respect to abatement of nuisance  
30 provisions contained in Code section 657.1, the bill provides  
31 that a claim for nuisance shall not be asserted against an  
32 electric utility for damages due to stray current or voltage,  
33 and shall be limited to claims of negligence and subject to  
34 the bill's provisions for claims regarding dairy cows and  
35 the comparative fault provisions of Code chapter 668. The

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1 bill states that a utility's conduct in such claims shall be  
2 judged using a standard of ordinary care under the existing  
3 circumstances.



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**Senate File 2073 - Introduced**

SENATE FILE 2073  
BY McCOY

**A BILL FOR**

1 An Act relating to persons who are no longer authorized to  
2 operate as commercial breeders, and providing for penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 162.2A, Code 2011, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 6. A commercial establishment may  
4 relinquish an authorization issued or renewed by the department  
5 pursuant to this section, in a manner required by the  
6 department.

7 NEW SUBSECTION. 7. Notwithstanding this section, the  
8 department may issue a temporary authorization to a person in  
9 order to wind up the affairs of a commercial establishment.

10 Sec. 2. NEW SECTION. 162.8A **Operation of a commercial**  
11 **breeder — authorization invalid.**

12 1. This section applies to a person issued an authorization  
13 by the department in the form of a state license or permit,  
14 for operation as a commercial breeder, if the person's  
15 authorization becomes invalid because it has expired and has  
16 not been renewed by the department as provided in section  
17 162.2A, was revoked by the department as provided in section  
18 162.10D, or was relinquished to the department as provided in  
19 section 162.2A.

20 2. Not later than forty-five days after the person's  
21 authorization is no longer valid, the person must at least do  
22 one of the following:

23 a. Obtain a new authorization issued by the department to  
24 operate as a commercial breeder.

25 b. Sterilize the dogs or cats in the same manner as  
26 prescribed in section 162.20.

27 c. Dispose of the dogs or cats. The person may accomplish  
28 the disposition by transferring title, possession, and control  
29 of unsterilized dogs or cats to another person. The person may  
30 sell the dogs or cats to another person if issued a temporary  
31 authorization as provided in section 162.2A. Alternatively,  
32 the person may accomplish the disposition by humane destruction  
33 in the manner provided in section 162.13.

34 3. Not later than fifty-five days after the person's  
35 authorization is no longer valid, the person shall submit a

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1 written statement to the department. The statement shall  
2 detail how the person complied with the requirements of this  
3 section, including by identifying the dogs or cats that have  
4 been sterilized or disposed of by transfer to another or humane  
5 destruction. The statement shall also identify the dogs or  
6 cats that were not sterilized or subject to disposition as  
7 allowed in this section.

8 4. The person is subject to the provisions of chapter 717B.

9 5. Notwithstanding subsection 2, a person whose  
10 authorization becomes invalid may continue to own, possess, and  
11 control up to three dogs or cats capable of breeding.

12 Sec. 3. Section 162.12A, Code 2011, is amended by adding the  
13 following new subsection:

14 NEW SUBSECTION. 1A. A person whose authorization to operate  
15 as a commercial breeder is invalid and who does not comply  
16 with the requirements of section 162.8A is subject to a civil  
17 penalty of not more than five hundred dollars. Each day that a  
18 violation continues shall be deemed a separate offense.

19 EXPLANATION

20 BACKGROUND. In 2010, the general assembly enacted HF  
21 2280 (2010 Iowa Acts, ch. 1030) authorizing the department  
22 of agriculture and land stewardship (department) to regulate  
23 commercial establishments that possess or control animals,  
24 other than animals used for an agricultural purpose (Code  
25 chapter 162). A commercial establishment includes an animal  
26 shelter, pound, or research facility which must be issued a  
27 certificate of registration; a pet shop, boarding kennel, or  
28 commercial kennel which must be issued a state license; and  
29 a commercial breeder, dealer, or public auction which must  
30 be issued a state license, but may be issued a permit if  
31 federally licensed. All of these documents are referred to  
32 as authorizations (Code section 162.2A). The department may  
33 take disciplinary action against a commercial establishment by  
34 suspending or revoking its authorization.

35 RELINQUISHMENT. The bill provides that a commercial

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1 establishment may relinquish an authorization according to  
2 rules adopted by the department.

3       COMMERCIAL BREEDERS WHOSE STATE LICENSES OR PERMITS HAVE  
4 BEEN REVOKED OR RELINQUISHED. The bill provides that a person  
5 whose state license or permit for operation as a commercial  
6 breeder was revoked must comply with one of three requirements.  
7 First, the person may obtain a new state license or permit.  
8 Second, the person may sterilize the dogs or cats. Third,  
9 the person may reduce the number of dogs or cats owned by the  
10 person or in the person's possession or under its control.  
11 The reduction may be accomplished by transfer or humane  
12 destruction. The person must also submit a statement to the  
13 department verifying how the person complied with the bill's  
14 requirements. Notwithstanding the sterilization and reduction  
15 requirements, the person may keep three or fewer breeding dogs  
16 or cats.

17       CIVIL PENALTIES. The bill provides that a person who does  
18 not comply with the compliance requirements is subject to a  
19 civil penalty of not more than \$500 and each day that violation  
20 continues constitutes a separate offense.



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**Senate File 2074 - Introduced**

SENATE FILE 2074  
BY ERNST

**A BILL FOR**

1 An Act relating to the length of on-duty periods and required  
2 rest periods for drivers of rail crew transport vehicles,  
3 and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5060XS (6) 84  
dea/nh



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1 Section 1. NEW SECTION. 321.449A Rail crew transport  
2 drivers.

3 1. A driver of a motor vehicle operated for hire which is  
4 designed to transport seven or more persons but fewer than  
5 sixteen persons including the driver and is used to transport  
6 railroad workers to or from their places of employment or  
7 during the course of their employment is subject to the  
8 following limitations:

9 a. The driver shall not drive such a vehicle more than ten  
10 hours following eight consecutive hours of uninterrupted rest.

11 b. The driver shall not drive such a vehicle for any period  
12 after having been on duty for fifteen hours following eight  
13 consecutive hours of uninterrupted rest.

14 2. For purposes of this section, the following definitions  
15 apply:

16 a. "Employer" means a railroad worker transportation  
17 company, as defined in section 327F.39, for whom the driver  
18 performs a service, either for wages or as an independent  
19 contractor.

20 b. "On duty" means all time from the time a driver begins  
21 work or is required to be ready to work until the time the  
22 driver is relieved from work and all responsibility for  
23 performing work, whether or not the driver is compensated for  
24 all of the time. A driver may drive more than one assigned  
25 trip, as long as the trip falls within the on-duty period. A  
26 driver "begins work" when the driver enters a transport vehicle  
27 to begin a trip assignment and is not "relieved from work" until  
28 the driver has exited the transport vehicle for the final time.

29 c. "Uninterrupted rest" means the driver is not required to  
30 maintain telephone contact with the driver's employer and is  
31 assured of not being called for a trip assignment.

32 3. A person who violates this section commits a simple  
33 misdemeanor punishable as a scheduled violation under section  
34 805.8A, subsection 13, paragraph "b".

35 Sec. 2. Section 327F.39, subsection 1, Code 2011, is amended

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1 by adding the following new paragraphs:

2     NEW PARAGRAPH.   *0c.*   "*Driver*" means a person who operates  
3 a motor vehicle for the transportation of railroad workers in  
4 the motor vehicle on behalf of a railroad worker transportation  
5 company, whether the person is employed by the company for  
6 wages or drives for the company as an independent contractor.

7     NEW PARAGRAPH.   *0g.*   "*Railroad worker transportation*  
8 *company*" means a person, other than a railroad corporation,  
9 organized for the purpose of or engaged in the business of  
10 transporting, for hire, railroad workers to or from their  
11 places of employment or in the course of their employment in  
12 motor vehicles designed to carry seven or more persons but  
13 fewer than sixteen persons including the driver.

14     Sec. 3. Section 327F.39, Code 2011, is amended by adding the  
15 following new subsection:

16     NEW SUBSECTION.   4A.   *a.*   A railroad worker transportation  
17 company shall not require a driver to operate a motor  
18 vehicle in violation of section 321.449A. A railroad worker  
19 transportation company may require a period of uninterrupted  
20 rest for a driver at any time. The period of uninterrupted  
21 rest shall not be less than eight hours, and shall be at least  
22 ten hours following an on-duty period of more than eight  
23 hours. A railroad worker transportation company shall clearly  
24 communicate to a driver when a period of uninterrupted rest is  
25 to begin.

26     *b.*   A railroad company shall not require a driver to operate  
27 a motor vehicle in violation of section 321.449A or this  
28 subsection.

29     *c.*   For purposes of this subsection, "*uninterrupted rest*" and  
30 "*on duty*" mean the same as defined in section 321.449A.

31     Sec. 4. Section 327F.39, subsection 6, Code 2011, is amended  
32 to read as follows:

33     6.   *Penalty.*

34     *a.*   Violation by the owner of a motor vehicle of this  
35 section, a rule adopted under this section, or an order issued

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1 under subsection 5, or willful failure to comply with such an  
2 order is, upon conviction, subject to a schedule "one" penalty  
3 as provided under section 327C.5.

4 b. A violation of subsection 4A or rules adopted pursuant to  
5 subsection 4A by a railroad worker transportation company or a  
6 railroad corporation is punishable as a schedule "one" penalty  
7 under section 327C.5.

8 Sec. 5. Section 805.8A, subsection 13, paragraph b, Code  
9 Supplement 2011, is amended to read as follows:

10 b. For a violation under section 321.449, or 321.449A, the  
11 scheduled fine is fifty dollars.

12 EXPLANATION

13 This bill provides that a person who drives a motor vehicle  
14 transporting railroad workers is subject to hours-of-service  
15 restrictions similar to those that apply to commercial vehicle  
16 operators.

17 The bill prohibits a driver from driving a motor vehicle  
18 for hire, which is designed to transport seven or more persons  
19 but fewer than 16 persons including the driver and which is  
20 used to transport railroad workers to or from their places  
21 of employment or during the course of their employment,  
22 for more than 10 hours following eight consecutive hours of  
23 uninterrupted rest, and prohibits driving such a motor vehicle  
24 for any period after having been on duty for 15 hours following  
25 eight consecutive hours of uninterrupted rest. The bill  
26 provides a detailed definition of "on duty", which includes  
27 all time for which the driver is or is not compensated from  
28 the time a driver begins work or is required to be ready to  
29 work until the time the driver is relieved from work and all  
30 responsibility for performing work. "Uninterrupted rest" means  
31 the employee is not required to maintain telephone contact with  
32 the employer and is assured of not being called for a trip  
33 assignment.

34 A driver who violates the hours-of-service restrictions  
35 commits a simple misdemeanor punishable by a scheduled fine

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1 of \$50. This is the same penalty that currently applies for  
2 hours-of-service violations by commercial vehicle operators.  
3 The bill prohibits a railroad worker transportation company  
4 from requiring a driver to operate a motor vehicle in violation  
5 of the hours of service requirements established under the  
6 bill. A railroad worker transportation company may require a  
7 period of uninterrupted rest at any time. The minimum period  
8 of uninterrupted rest shall be eight hours, but if the driver  
9 has been on duty for more than eight hours, the period of  
10 uninterrupted rest shall be at least 10 hours. The company is  
11 required to clearly communicate to a driver when a period of  
12 uninterrupted rest is to begin.  
13 The bill provides that a violation of the provisions of the  
14 bill by a railroad worker transportation company or a railroad  
15 corporation is a schedule "one" penalty, subject to a fine of  
16 \$100 under current law applicable to railroads.



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**Senate File 2075 - Introduced**

SENATE FILE 2075  
BY SODDERS

**A BILL FOR**

1 An Act relating to the issuance of citations for violations of  
2 requirements for motorists approaching a stationary towing  
3 or recovery vehicle.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5638XS (2) 84  
dea/nh



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1 Section 1. Section 321.323A, subsection 2, Code 2011, is  
2 amended to read as follows:

3 2. The operator of a motor vehicle approaching a ~~stationary~~  
4 ~~towing or recovery vehicle~~, a stationary utility maintenance  
5 vehicle, a stationary municipal maintenance vehicle, or a  
6 stationary highway maintenance vehicle, that is displaying  
7 flashing yellow, amber, or red lights, shall approach the  
8 vehicle with due caution and shall proceed in one of the  
9 following manners, absent any other direction by a peace  
10 officer:

11 a. Make a lane change into a lane not adjacent to the  
12 ~~towing, recovery~~, utility maintenance, municipal maintenance,  
13 or highway maintenance vehicle if possible in the existing  
14 safety and traffic conditions.

15 b. If a lane change under paragraph "a" would be impossible,  
16 prohibited by law, or unsafe, reduce the speed of the motor  
17 vehicle to a reasonable and proper speed for the existing road  
18 and traffic conditions, which speed shall be less than the  
19 posted speed limit, and be prepared to stop.

20 Sec. 2. Section 321.323A, Code 2011, is amended by adding  
21 the following new subsection:

22 NEW SUBSECTION. 3. The operator of a motor vehicle  
23 approaching a stationary towing or recovery vehicle that  
24 is displaying flashing yellow, amber, or red lights, shall  
25 approach the vehicle with due caution and shall proceed in one  
26 of the following manners, absent any other direction by a peace  
27 officer:

28 a. Make a lane change into a lane not adjacent to the towing  
29 or recovery vehicle if possible in the existing safety and  
30 traffic conditions.

31 b. If a lane change under paragraph "a" would be impossible,  
32 prohibited by law, or unsafe, reduce the speed of the motor  
33 vehicle to a reasonable and proper speed for the existing road  
34 and traffic conditions, which speed shall be less than the  
35 posted speed limit, and be prepared to stop.

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1     Sec. 3. NEW SECTION. 321.323B Prompt investigation of  
2 reported violation when approaching a stationary towing or  
3 recovery vehicle — citation issued to driver or owner.

4     1. The driver of a towing or recovery vehicle who observes  
5 a violation of section 321.323A, subsection 3, may prepare a  
6 written report on a form provided by the department of public  
7 safety indicating that a violation has occurred. The driver  
8 of the towing or recovery vehicle or the driver's employer may  
9 deliver the report not more than seventy-two hours after the  
10 violation occurred to a peace officer of the state or a peace  
11 officer of the county or municipality in which the violation  
12 occurred. The report shall state the time and the location at  
13 which the violation occurred and shall include the registration  
14 plate number and a description of the vehicle involved in the  
15 violation.

16     2. Not more than seven calendar days after receiving a  
17 report of a violation of section 321.323A, subsection 3, from  
18 a driver of a towing or recovery vehicle or the driver's  
19 employer, the peace officer shall initiate an investigation  
20 of the reported violation and contact the owner of the motor  
21 vehicle involved in the reported violation and request that the  
22 owner supply information identifying the driver in accordance  
23 with section 321.484.

24     a. If, from the investigation, the peace officer is able  
25 to identify the driver and has reasonable cause to believe a  
26 violation of section 321.323A, subsection 3, has occurred, the  
27 peace officer shall prepare a uniform traffic citation for the  
28 violation and shall serve it personally or by certified mail  
29 to the driver of the vehicle.

30     b. If, from the investigation, the peace officer has  
31 reasonable cause to believe that a violation of section  
32 321.323A, subsection 3, occurred but is unable to identify  
33 the driver, the peace officer shall serve a uniform traffic  
34 citation for the violation to the owner of the motor vehicle.  
35 Notwithstanding section 321.484, in a proceeding where the

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1 peace officer who conducted the investigation was not able  
2 to identify the driver of the motor vehicle, proof that the  
3 motor vehicle described in the uniform traffic citation was  
4 used to commit the violation of section 321.323A, subsection 3,  
5 together with proof that the defendant named in the citation  
6 was the owner of the motor vehicle at the time the violation  
7 occurred, constitutes a permissible inference that the owner  
8 was the driver who committed the violation.

9 c. For purposes of this subsection, "owner" means a person  
10 who holds the legal title to a motor vehicle; however, if the  
11 motor vehicle is the subject of a security agreement with a  
12 right of possession in the debtor, the debtor shall be deemed  
13 the owner for purposes of this subsection, or if the motor  
14 vehicle is leased as defined in section 321.493, the lessee  
15 shall be deemed the owner for purposes of this subsection.

16 EXPLANATION

17 Under current law, the driver of a motor vehicle, when  
18 approaching a stationary towing or recovery vehicle displaying  
19 flashing yellow, amber, or red lights, is required to move into  
20 another lane not adjacent to the towing or recovery vehicle.  
21 If a lane change is not possible or is unlawful or unsafe, the  
22 driver is required to slow the motor vehicle to a reasonable  
23 and proper speed for the existing road and traffic conditions,  
24 below the posted speed limit, and be prepared to stop.

25 This bill provides that the driver of a towing or recovery  
26 vehicle who observes a motor vehicle failing to move over or  
27 slow down when approaching the towing or recovery vehicle  
28 may make a written report to a peace officer of the state or  
29 of the county or municipality where the violation occurred,  
30 stating the time and location of the violation, and including  
31 the registration plate number and a description of the vehicle  
32 involved in the incident. The report may be delivered by the  
33 driver or the driver's employer within 72 hours of the alleged  
34 violation. The peace officer shall initiate an investigation  
35 within seven days and contact the owner of the motor vehicle

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1 involved in the reported violation, requesting that the owner  
2 identify the driver involved in the violation. If the peace  
3 officer has reasonable cause to believe that a violation  
4 occurred and learns the identity of the driver involved in  
5 the violation, the peace officer may issue a citation to the  
6 driver, either in person or by certified mail.

7 The bill provides that if the identity of the driver involved  
8 in the violation cannot be determined, the peace officer  
9 investigating the report may issue a citation to the owner  
10 of the vehicle. In a proceeding where the peace officer was  
11 not able to identify the driver of the vehicle, proof that  
12 the vehicle described in the citation was used to commit  
13 the violation, together with proof that the person named in  
14 the citation was the registered owner of the vehicle at the  
15 time the violation occurred, creates a permissible inference  
16 that the registered owner was the driver who committed the  
17 violation.



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**Senate File 2076 - Introduced**

SENATE FILE 2076

BY RAGAN, BEALL, and DEARDEN

**A BILL FOR**

1 An Act allowing the issuance of special hunting licenses to  
2 certain nonresident disabled veterans.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5915XS (2) 84  
av/nh



Iowa General Assembly  
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S.F. 2076

1 Section 1. Section 483A.24, Code Supplement 2011, is  
2 amended by adding the following new subsection:  
3 NEW SUBSECTION. 10A. The commission shall issue a special  
4 hunting license, wild turkey hunting license, or any sex deer  
5 hunting license to a nonresident who has served in the armed  
6 forces of the United States on active federal service and who  
7 was disabled during that veteran's military service to enable  
8 the disabled veteran to participate in a hunt that is conducted  
9 by a nonprofit organization that conducts hunting experiences  
10 in this state for disabled veterans. The licenses shall be  
11 issued as follows:  
12 a. The department shall prepare an application to be used by  
13 a person requesting a special license under this subsection.  
14 (1) The department shall verify that the license will  
15 be used by the applicant in connection with a hunt conducted  
16 by an approved nonprofit organization that conducts hunting  
17 experiences in this state for disabled veterans. The  
18 department shall specify, by rules adopted under chapter 17A,  
19 what requirements a nonprofit organization must meet in order  
20 to be approved to conduct hunts for disabled veterans who  
21 obtain licenses under this subsection.  
22 (2) The department of veterans affairs shall assist the  
23 department in verifying the status or claims of applicants  
24 under this subsection. As used in this subsection, "disabled"  
25 means entitled to a service connected rating under 38 U.S.C.  
26 ch. 11.  
27 b. A license issued under this subsection shall be in  
28 addition to the number of nonresident wild turkey hunting  
29 licenses authorized pursuant to section 483A.7 and nonresident  
30 deer hunting licenses authorized pursuant to section 483A.8.  
31 c. A disabled veteran who receives a special license  
32 under this subsection shall purchase a hunting license, and  
33 a wild turkey hunting license or a deer hunting license, if  
34 applicable, and pay the wildlife habitat fee, all for the same  
35 fee that is charged to resident hunters. If hunting deer,

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1 the disabled veteran shall also pay a one dollar fee that  
2 shall be used and is appropriated for the purpose of deer herd  
3 population management, including assisting with the cost of  
4 processing deer donated to the help us stop hunger program  
5 administered by the commission.

6 *d.* A disabled veteran who receives a special license  
7 under this subsection is not required to complete the hunter  
8 safety and ethics education course if the disabled veteran is  
9 accompanied and aided during the hunt by a person who is a  
10 representative of a nonprofit organization approved under this  
11 subsection, is at least eighteen years of age, is qualified to  
12 hunt, and has a hunting license.

13 *e.* The turkey hunting licenses issued under this subsection  
14 are valid in all zones open to turkey hunting and shall be  
15 available for issuance and use during any turkey hunting  
16 season. The deer hunting licenses issued under this subsection  
17 are valid in all zones open to deer hunting and shall be  
18 available for issuance and use during any deer hunting season.

19 *f.* A license issued under this subsection is valid for use  
20 only on a hunt conducted by a nonprofit organization approved  
21 under this subsection.

22 *g.* The commission shall issue no more than ten of each of  
23 the special licenses available under this subsection per year.

24 *h.* The commission shall adopt rules under chapter 17A for  
25 the administration of this subsection.

26 EXPLANATION

27 This bill requires the natural resource commission to issue  
28 special hunting licenses, wild turkey hunting licenses, and any  
29 sex deer hunting licenses to nonresident disabled veterans for  
30 use on hunts conducted by nonprofit organizations that conduct  
31 hunting experiences in the state for disabled veterans.

32 The commission is required to verify that an applicant for a  
33 special license is entitled to a service-connected disability  
34 rating and that the license will be used in connection with  
35 a hunt conducted by an approved nonprofit organization

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1 that conducts hunting experiences in the state for disabled  
2 veterans. The commission shall adopt rules specifying the  
3 requirements for a nonprofit organization to be approved to  
4 hold such hunts.

5 The special wild turkey and deer hunting licenses issued  
6 are in addition to the number of nonresident wild turkey  
7 hunting licenses authorized pursuant to Code section 483A.7  
8 and nonresident deer hunting licenses authorized pursuant to  
9 Code section 483A.8. The special wild turkey and deer hunting  
10 licenses are valid in all zones open to wild turkey and deer  
11 hunting and during any season for wild turkey and deer hunting.

12 A nonresident disabled veteran receiving a special license  
13 under the bill must purchase a hunting license, and a wild  
14 turkey or deer hunting license, if applicable, and pay the  
15 wildlife habitat fee and deer herd population management fee,  
16 but only at the rate charged to a resident hunter.

17 A disabled veteran receiving a special license under the  
18 bill is not required to complete the hunter safety and ethics  
19 education course if the disabled veteran is accompanied and  
20 aided during the hunt by a person representing an approved  
21 nonprofit organization, who is at least 18 years of age, is  
22 qualified to hunt, and has a hunting license.

23 The commission is limited to issuing no more than 10 of each  
24 of the special licenses available under the bill per year.

25 The commission is required to adopt rules pursuant to Code  
26 section 17A to administer the provisions of the bill.



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**Senate Study Bill 3098 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON McCOY)

**A BILL FOR**

1 An Act relating to service of notice by mail for holders of a  
2 property tax sale certificate of purchase.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5584XC (6) 84  
md/sc



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S.F. \_\_\_\_\_

1 Section 1. Section 447.9, subsections 1 and 2, Code 2011,  
2 are amended to read as follows:  
3 1. After one year and nine months from the date of sale,  
4 or after nine months from the date of a sale made under  
5 section 446.18, or after three months from the date of a sale  
6 made under section 446.19A or 446.19B, the holder of the  
7 certificate of purchase may cause to be served upon the person  
8 in possession of the parcel, and also upon the person in whose  
9 name the parcel is taxed, a notice signed by the certificate  
10 holder or the certificate holder's agent or attorney, stating  
11 the date of sale, the description of the parcel sold, the name  
12 of the purchaser, and that the right of redemption will expire  
13 and a deed for the parcel be made unless redemption is made  
14 within ninety days from the completed service of the notice.  
15 The notice shall be served by both regular mail and certified  
16 mail to the person's last known address and such service is  
17 deemed completed when the notice ~~by certified mail~~ is deposited  
18 in the mail and postmarked for delivery. The ninety-day  
19 redemption period begins as provided in section 447.12. When  
20 the notice is given by a county as a holder of a certificate  
21 of purchase the notice shall be signed by the county treasurer  
22 or the county attorney, and when given by a city, it shall  
23 be signed by the city officer designated by resolution of  
24 the council. When the notice is given by the Iowa finance  
25 authority or a city or county agency holding the parcel as  
26 part of an Iowa homesteading project, it shall be signed on  
27 behalf of the agency or authority by one of its officers, as  
28 authorized in rules of the agency or authority.  
29 2. Service of the notice shall be made by both regular mail  
30 and certified mail on any mortgagee having a lien upon the  
31 parcel, a vendor of the parcel under a recorded contract of  
32 sale, a lessor who has a recorded lease or recorded memorandum  
33 of a lease, and any other person who has an interest of record,  
34 at the person's last known address. The notice shall be served  
35 on any city where the parcel is situated. Notice shall not be



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1 served after the filing of the affidavit required by section  
2 447.12. Only those persons who are required to be served the  
3 notice of expiration as provided in this section or who have  
4 acquired an interest in or possession of the parcel subsequent  
5 to the filing of the notice of expiration of the right of  
6 redemption are eligible to redeem a parcel from tax sale.  
7 Service of the notice is deemed completed when the notice is  
8 deposited in the mail and postmarked for delivery.

9 EXPLANATION

10 This bill relates to the manner in which a holder of a  
11 property tax sale certificate of purchase provides certain  
12 notices under Code chapter 447 (tax redemption) following a  
13 tax sale. The bill requires that service of the notice of  
14 expiration of right of redemption made on specified lienholders  
15 and interest holders be made by both regular mail and certified  
16 mail and specifies when service of such notice is deemed  
17 completed.

18 Certified mail means a mail service provided by the United  
19 States postal service where the post office provides the mailer  
20 with a receipt to prove mailing.

21 Pursuant to Code section 447.14, the law in effect at the  
22 time of tax sale governs redemption.



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**Senate Study Bill 3099 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON MCCOY)

**A BILL FOR**

1 An Act relating to the authorized deposit of public funds.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5426XC (1) 84  
rn/sc



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S.F. \_\_\_\_\_

1 Section 1. Section 12B.10, subsection 7, Code Supplement  
2 2011, is amended to read as follows:

3 7. Notwithstanding sections 12C.2, 12C.4, 12C.6, 12C.6A,  
4 and any other provision of law relating to the deposits of  
5 public funds, if public funds are deposited in a depository,  
6 as defined in section 12C.1, any uninsured portion of the  
7 public funds invested through the depository may be invested  
8 in insured deposits or certificates of deposit arranged by  
9 the depository that are placed in or issued by one or more  
10 federally insured banks or savings associations regardless of  
11 location for the account of the public funds depositor if all  
12 of the following requirements are satisfied:

13 a. The full amount of the principal and any accrued interest  
14 ~~of each on such public funds or each such~~ certificate of  
15 deposit issued shall be covered by federal deposit insurance.

16 b. The depository, either directly or through an agent or  
17 subcustodian, shall act as custodian of the insured deposits or  
18 certificates of deposit.

19 c. ~~The~~ On the same day that the public funds deposits  
20 are placed or the certificates of deposit are issued, the  
21 depository shall have received deposits in an amount eligible  
22 for federal deposit insurance from, and, with regard to  
23 certificates of deposit, shall have issued certificates of  
24 deposit to, customers of other financial institutions wherever  
25 located that are equal to or greater than the amount of public  
26 funds invested under this subsection by the public funds  
27 depositor through the depository.

28 Sec. 2. Section 12C.22, subsection 2, unnumbered paragraph  
29 1, Code 2011, is amended to read as follows:

30 The amount of the collateral required to be pledged by  
31 a bank shall at all times equal or exceed the total of the  
32 amount by which the public funds deposits in the bank exceeds  
33 the total capital of the bank. For purposes of this section,  
34 deposits that comply with section 12B.10, subsection 7, that  
35 are evidenced either by one or more certificates of deposit or

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1 one or more orders for the next business day settlement and  
2 issuance of certificates of deposit, by a federally insured  
3 bank or savings association other than the depository, or that  
4 are public funds placed in accordance with section 12B.10,  
5 subsection 7, shall not be deemed public funds deposits in the  
6 bank or savings association. For purposes of this chapter,  
7 unless the context otherwise requires, "*total capital of the*  
8 *bank*" means its tier one capital plus both of the following  
9 components of tier two capital:

10 Sec. 3. Section 12C.22, subsection 6, Code 2011, is amended  
11 by adding the following new paragraph:

12 NEW PARAGRAPH. *f.* Certificates of deposit issued by a  
13 federal deposit insurance corporation insured bank, the payment  
14 of which is fully insured by the federal deposit insurance  
15 corporation both as to principal and accrued interest, and  
16 that have been assigned a committee on uniform security  
17 identification procedures number and deposited for the account  
18 of the public funds depository bank at the depository trust  
19 company.

20 EXPLANATION

21 This bill relates to the investment of public funds  
22 deposited in a depository, as both are defined in Code section  
23 12C.1. Currently, the uninsured portion of public funds  
24 invested through a depository may be invested in certificates  
25 of deposit arranged by the depository issued by one or more  
26 federally insured banks or savings associations. The bill  
27 expands such authorized investments to include insured  
28 deposits.

29 The bill adds to the list of acceptable forms of collateral  
30 for the deposit of public funds specified in Code section  
31 12C.22, subsection 6. Collateral may now include certificates  
32 of deposit issued by a federal deposit insurance corporation  
33 insured bank, the payment of which is fully insured by the  
34 federal deposit insurance corporation both as to principal and  
35 accrued interest, and that have been assigned a committee on

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1 uniform security identification procedures number and deposited  
2 for the account of the public funds depository bank at the  
3 depository trust company.



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Senate Study Bill 3100 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON MCCOY)

A BILL FOR

1 An Act relating to permissible forms of ownership of  
2 transmission facilities subject to a joint agreement for  
3 generating, purchasing, or otherwise acquiring electric  
4 power and energy.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. \_\_\_\_\_

1 Section 1. Section 390.1, subsection 9, Code 2011, is  
2 amended to read as follows:

3 9. "Own" and "ownership" in the case of transmission  
4 facilities, including substations and associated facilities,  
5 ~~which are located in whole or in part in Iowa,~~ may include  
6 the right to the use of an amount of the capacity of the  
7 facilities, if the joint agreement so provides. "Own" and  
8 ~~"ownership" in the case of transmission facilities, including~~  
9 ~~substations and associated facilities, does not~~ may include  
10 ~~those which are located in states which are not contiguous to~~  
11 Iowa a joint facility located in this state or outside this  
12 state.

13 Sec. 2. NEW SECTION. 390.8A Transmission facility  
14 ownership.

15 In addition to the powers conferred upon a city or electric  
16 power agency elsewhere in this chapter, a city or electric  
17 power agency may acquire ownership interest in a transmission  
18 facility, including ownership of the capacity of such facility,  
19 within this state or in any other state for the purpose  
20 of participating with other utilities in transmission to  
21 be operated by a regional transmission organization or an  
22 independent transmission operator approved by the federal  
23 energy regulatory commission. For purposes of this section,  
24 "electric power agency" means the same as defined in section  
25 390.9.

26 EXPLANATION

27 This bill expands the definition of "ownership" of  
28 transmission facilities subject to a joint agreement between  
29 participants, which may include a city, electric cooperative,  
30 or privately owned utility company, to include facilities  
31 located outside the state of Iowa. Currently, Code section  
32 390.1, subsection 9, restricts ownership to facilities which  
33 are located within Iowa or in states contiguous to Iowa.

34 The bill provides that in addition to other powers  
35 conferred upon a city or electric power agency, a city or

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1 electric power agency may acquire ownership interest in a  
2 transmission facility, including ownership of the capacity  
3 of such facility, within Iowa or in any other state for the  
4 purpose of participating with other utilities in transmission  
5 to be operated by a regional transmission organization or an  
6 independent transmission operator approved by the federal  
7 energy regulatory commission.



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**Senate Study Bill 3101 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT  
OF COMMERCE/ALCOHOLIC  
BEVERAGES DIVISION BILL)

**A BILL FOR**

1 An Act concerning applications for liquor control licenses and  
2 micro-distilled spirits, beer, and wine permits.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5186XD (9) 84  
ec/nh



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 123.32, Code Supplement 2011, is amended  
2 by adding the following new subsections:

3 NEW SUBSECTION. 1A. *Misrepresentation of material fact on*  
4 *application.* A person who makes a false statement of material  
5 fact on an application for a liquor license, micro-distilled  
6 spirits permit, wine permit, or beer permit, or who has been a  
7 party to the preparation or submission of any false application  
8 for such a license or permit, may be denied the license or  
9 permit on the grounds of the false statement or submission.

10 NEW SUBSECTION. 1B. *Criminal history record checks.*

11 *a.* The division may request and obtain criminal history  
12 data from the department of public safety for an applicant for  
13 a liquor license, micro-distilled spirits permit, wine permit,  
14 or beer permit under this chapter and any other person required  
15 to be listed on the application pursuant to section 123.31,  
16 subsection 3 for the purpose of evaluating an applicant's  
17 fitness to hold such license or permit.

18 *b.* The division may also require that a full set of  
19 fingerprints be provided by an applicant for a liquor license,  
20 micro-distilled spirits permit, wine permit, or beer permit  
21 issued pursuant to this chapter and by any other person  
22 required to be listed on the application pursuant to section  
23 123.31, subsection 3 for purposes of conducting a national  
24 criminal history check. The division shall provide the  
25 fingerprints to the department of public safety for submission  
26 through the state criminal history repository to the federal  
27 bureau of investigation for the national criminal history  
28 check.

29 *c.* Persons subject to a criminal history check conducted  
30 pursuant to this subsection shall authorize release of  
31 the results of the criminal history check to the division.  
32 Failure of the applicant or any other person subject to the  
33 requirements of this subsection to fully cooperate in the  
34 conduct of a criminal history check shall be grounds to deny  
35 the license or permit application.

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1     *d.* Criminal history data obtained by the division pursuant  
2 to this subsection is confidential and shall not be considered  
3 a public record under chapter 22. The division may, however,  
4 use such information in a license or permit denial proceeding  
5 or other regulatory proceeding brought under this chapter.  
6     Sec. 2. Section 123.32, subsections 2, 7, and 9, Code  
7 Supplement 2011, are amended to read as follows:  
8     2. *Action by local authorities.* The local authority shall  
9 either approve or disapprove the issuance of a liquor control  
10 license, micro-distilled spirits permit, retail wine permit, or  
11 retail beer permit, shall endorse its approval or disapproval  
12 on the application and shall forward the application with  
13 the necessary fee and bond, if required, to the division.  
14 There is no limit upon the number of liquor control licenses,  
15 micro-distilled spirits permits, retail wine permits, or retail  
16 beer permits which may be approved for issuance by local  
17 authorities.  
18     7. *Appeal to administrator.* An applicant for a liquor  
19 control license, micro-distilled spirits permit, wine  
20 permit, or beer permit may appeal from the local authority's  
21 disapproval of an application for a license or permit to the  
22 administrator. In the appeal the applicant shall be allowed  
23 the opportunity to demonstrate in an evidentiary hearing  
24 conducted pursuant to chapter 17A that the applicant complies  
25 with all of the requirements for holding the license or permit.  
26 The administrator may appoint a member of the division or may  
27 request an administrative law judge from the department of  
28 inspections and appeals to conduct the evidentiary hearing  
29 and to render a proposed decision to approve or disapprove  
30 the issuance of the license or permit. The administrator may  
31 affirm, reverse, or modify the proposed decision. If the  
32 administrator determines that the applicant complies with  
33 all of the requirements for holding a license or permit, the  
34 administrator shall order the issuance of the license or  
35 permit. If the administrator determines that the applicant

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1 does not comply with the requirements for holding a license or  
2 permit, the administrator shall disapprove the issuance of the  
3 license or permit.

4 9. *Suspension by local authority.* A liquor control licensee  
5 or a micro-distilled spirits, wine, or beer permittee whose  
6 license or permit has been suspended or revoked or a civil  
7 penalty imposed by a local authority for a violation of this  
8 chapter or suspended by a local authority for violation of a  
9 local ordinance may appeal the suspension, revocation, or civil  
10 penalty to the administrator. The administrator may appoint  
11 a member of the division or may request an administrative law  
12 judge from the department of inspections and appeals to hear  
13 the appeal which shall be conducted in accordance with chapter  
14 17A and to issue a proposed decision. The administrator may  
15 review the proposed decision upon the motion of a party to the  
16 appeal or upon the administrator's own motion in accordance  
17 with chapter 17A. Upon review of the proposed decision, the  
18 administrator may affirm, reverse, or modify the proposed  
19 decision. A liquor control licensee, a micro-distilled  
20 spirits, wine, or beer permittee, or a local authority  
21 aggrieved by a decision of the administrator may seek judicial  
22 review of the decision pursuant to chapter 17A.

23 EXPLANATION

24 This bill concerns applications for liquor control licenses,  
25 and micro-distilled spirits, wine, and beer permits under Code  
26 section 123.32.

27 New Code section 123.32(1A) provides that a person who makes  
28 a false statement of material fact on an application for a  
29 license or permit may be denied the license or permit on the  
30 grounds of the false statement.

31 New Code section 123.32(1B) provides authority for the  
32 alcoholic beverages division to conduct criminal history  
33 background checks of applicants for licenses and permits and  
34 any other person required to be listed on the application for  
35 that license or permit. The bill authorizes the division

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1 to obtain criminal history data from the department of  
2 public safety and to require applicants to provide a set of  
3 fingerprints for purposes of conducting a national criminal  
4 history check. The bill provides that criminal history data  
5 obtained pursuant to this new provision is confidential but  
6 may be used in a license or permit denial or other regulatory  
7 proceeding brought by the division.

8 Code section 123.32 is also amended to provide that the  
9 requirements and procedures for applications for liquor  
10 control licenses and wine and beer permits also apply to  
11 micro-distilled spirits permits.



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**Senate Study Bill 3102 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON EDUCATION BILL BY  
CHAIRPERSON QUIRMBACH)

**A BILL FOR**

1 An Act relating to the continuation of the Iowa early  
2 intervention block grant program and including effective  
3 date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5546XC (2) 84  
kh/rj



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S.F. \_\_\_\_\_

1 Section 1. REPEAL. Section 256D.9, Code 2011, is repealed.  
2 Sec. 2. EFFECTIVE DATE. This Act takes effect June 30,  
3 2012.

4 EXPLANATION

5 This bill continues indefinitely the Iowa early intervention  
6 block grant program in the department of education established  
7 in Code chapter 256D. The Code chapter specifies how school  
8 districts may expend the early intervention allocation school  
9 districts receive pursuant to Code section 257.10, subsection  
10 11. Current law would eliminate the program effective July 1,  
11 2012.  
12 The bill takes effect June 30, 2012.



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**Senate Study Bill 3103 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON BOLKCOM)

**A BILL FOR**

1 An Act creating a tax credit for certain small businesses  
2 offering wellness programs to employees and including  
3 effective date and applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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mm/sc



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S.F. \_\_\_\_\_

1 Section 1. NEW SECTION. 135.27B Wellness program tax  
2 credit.

3 1. a. A wellness program tax credit shall be allowed  
4 against the taxes imposed in chapter 422, divisions II, III,  
5 and V, and in chapter 432, and against the moneys and credits  
6 tax imposed in section 533.329, for a portion of a taxpayer's  
7 costs incurred in providing a certified small business wellness  
8 program to employees.

9 b. The tax credit shall be an amount equal to fifty percent  
10 of the costs incurred in providing a certified small business  
11 wellness program to employees. However, the total amount of  
12 the tax credit claimed shall not exceed an amount equal to  
13 three hundred dollars per employee per tax year.

14 c. To be eligible for the tax credit, a small business shall  
15 be located in this state, be operated for profit and under a  
16 single management, and have at least two but not more than one  
17 hundred employees employed for at least fifty percent of the  
18 employer's working days during the tax year.

19 d. An individual may claim a tax credit under this section  
20 of a partnership, limited liability company, S corporation,  
21 estate, or trust electing to have income taxed directly to  
22 the individual. The amount claimed by the individual shall  
23 be based upon the pro rata share of the individual's earnings  
24 from the partnership, limited liability company, S corporation,  
25 estate, or trust.

26 e. Any tax credit in excess of the tax liability is not  
27 refundable, but the taxpayer may elect to have the excess  
28 credited to the tax liability for the following five years or  
29 until depleted, whichever is earlier. A tax credit shall not  
30 be carried back to a tax year prior to the tax year in which the  
31 taxpayer first receives the tax credit.

32 f. A taxpayer claiming a credit under this section shall  
33 not be precluded, in computing taxable income, from deducting  
34 the costs of providing a wellness program allowed under any  
35 provision of the Internal Revenue Code.

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1     2. To claim a wellness program tax credit under this  
2 section, a taxpayer must attach a tax credit certificate issued  
3 by the department verifying the taxpayer's eligibility for the  
4 credit. The tax credit certificate attached to the taxpayer's  
5 tax return shall be issued in the taxpayer's name, contain an  
6 expiration date that falls on or after the last day of the  
7 taxable year for which the taxpayer is claiming the tax credit,  
8 and show a tax credit amount equal to or greater than the tax  
9 credit claimed on the taxpayer's tax return.

10    3. *a.* The department shall accept applications from  
11 eligible small businesses for wellness program tax credits.

12    *b.* If the department determines that a wellness program  
13 qualifies for a tax credit pursuant to this section,  
14 the department shall issue a wellness program tax credit  
15 certificate to be attached to the small business's tax return.  
16 The tax credit certificate shall contain the taxpayer's name,  
17 address, tax identification number, the number of employees,  
18 the total costs incurred in providing the wellness program, and  
19 any other information required by the department of revenue.

20    *c.* The tax credit certificate, unless otherwise void, shall  
21 be accepted by the department of revenue as payment for taxes  
22 imposed pursuant to chapter 422, divisions II, III, and V,  
23 chapter 432, and section 533.329, subject to any conditions or  
24 restrictions placed by the department upon the face of the tax  
25 credit and subject to the limitations of this section.

26    *d.* Tax credits issued under this section are not  
27 transferable to any person or entity.

28    4. The department shall not issue a tax credit certificate  
29 under this section unless the wellness program offered by a  
30 small business provides for all of the following:

31    *a.* The development of measurable positive health outcomes  
32 for employees participating in the wellness program.

33    *b.* Regular health risk factor assessments and a treatment  
34 regimen designed to address health risk factors. For purposes  
35 of this paragraph, "health risk factor" means a condition with



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1 the potential to negatively affect a person's health or bodily  
2 well-being. Health risk factors include but are not limited  
3 to cholesterol levels, triglyceride levels, or blood pressure  
4 levels that are outside the ranges for such measurements  
5 recommended by the centers for disease control and prevention  
6 of the United States department of health and human services.

7 c. Tobacco cessation education that covers all of the  
8 cessation treatments and counseling approved by the United  
9 States food and drug administration. Tobacco cessation  
10 education may be provided by direct payment on an employee's  
11 behalf, reimbursement of costs, or by the purchase of insurance  
12 coverage providing for such education.

13 d. Weight loss education that addresses both nutrition and  
14 physical activity.

15 e. Preventative care education, including information about  
16 immunization, promotion of physical activity, nutritional  
17 counseling, and stress management techniques.

18 f. Disease management services that identify diseases before  
19 onset and treat diseases after onset.

20 5. The department may charge a fee in an amount not to  
21 exceed fifty dollars per application for costs incurred in the  
22 administration of this section.

23 6. The department shall adopt rules in accordance with  
24 chapter 17A for the administration of this section, including  
25 rules governing the application process and the criteria used  
26 to evaluate applications.

27 Sec. 2. NEW SECTION. **422.11I Wellness program tax credit.**

28 The taxes imposed under this division, less the credits  
29 allowed under section 422.12, shall be reduced by a wellness  
30 program tax credit allowed under section 135.27B.

31 Sec. 3. Section 422.33, Code Supplement 2011, is amended by  
32 adding the following new subsection:

33 NEW SUBSECTION. 29. The taxes imposed under this division  
34 shall be reduced by a wellness program tax credit allowed under  
35 section 135.27B.



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1 Sec. 4. Section 422.60, Code Supplement 2011, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 14. The taxes imposed under this division  
4 shall be reduced by a wellness program tax credit allowed under  
5 section 135.27B.

6 Sec. 5. NEW SECTION. 432.12N **Wellness program tax credit.**

7 The taxes imposed under this chapter shall be reduced by a  
8 wellness program tax credit allowed under section 135.27B.

9 Sec. 6. Section 533.329, subsection 2, Code Supplement  
10 2011, is amended by adding the following new paragraph:

11 NEW PARAGRAPH. m. The moneys and credits tax imposed under  
12 this section shall be reduced by a wellness program tax credit  
13 allowed under section 135.27B.

14 Sec. 7. **EFFECTIVE DATE.** This Act takes effect January 1,  
15 2013.

16 Sec. 8. **APPLICABILITY.** This Act applies to tax years  
17 beginning on or after January 1, 2013.

18 **EXPLANATION**

19 This bill provides a credit against the individual and  
20 corporate income taxes, franchise tax, insurance premiums tax,  
21 and moneys and credits tax for a portion of a taxpayer's costs  
22 incurred in providing a certified small business wellness  
23 program to employees.

24 The amount of the tax credit is 50 percent of the costs  
25 incurred in providing a certified small business wellness  
26 program to employees, but the total amount of the credit  
27 claimed cannot exceed \$300 per employee per year.

28 To be eligible for the tax credit, a small business must  
29 be located in the state, be operated for profit and under a  
30 single management, and have at least two but not more than 100  
31 employees employed for at least 50 percent of the employer's  
32 working days during the tax year.

33 The tax credit is not refundable, but the taxpayer may  
34 elect to have the excess credited to the tax liability for the  
35 following five years or until depleted, whichever is earlier.

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1 A tax credit shall not be carried back to a tax year prior  
2 to the tax year in which the taxpayer first receives the tax  
3 credit. The tax credit is not transferable.

4 To claim a certified wellness program tax credit under this  
5 section, a taxpayer must attach a tax credit certificate issued  
6 by the department of public health verifying the taxpayer's  
7 eligibility for the credit.

8 The department will issue a tax credit certificate if the  
9 wellness program offered by the small business provides for all  
10 of the following: (1) measurable positive health outcomes,  
11 (2) regular health risk factor assessments, (3) tobacco  
12 cessation education, (4) weight loss education that addresses  
13 both nutrition and physical activity, (5) preventative care  
14 education, and (6) disease management services.

15 The department may charge a fee in an amount not to exceed  
16 \$50 per application for administrative costs and is directed to  
17 adopt rules for the issuance of the tax credit certificates.

18 The bill takes effect January 1, 2013, and applies to tax  
19 years beginning on or after that date.



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**Senate Study Bill 3104 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR'S OFFICE  
OF DRUG CONTROL POLICY  
BILL)

**A BILL FOR**

1 An Act granting authority to temporarily designate a substance  
2 a controlled substance and classifying certain substances  
3 as schedule I controlled substances, making penalties  
4 applicable, and including effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5298DP (9) 84  
jm/rj



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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 124.201, subsection 4, Code 2011, is  
2 amended to read as follows:

3 4. If any new substance is designated as a controlled  
4 substance under federal law and notice of the designation is  
5 given to the board, the board shall similarly designate as  
6 controlled the new substance under this chapter after the  
7 expiration of thirty days from publication in the Federal  
8 Register of a final order designating a new substance as a  
9 controlled substance, unless within that thirty-day period  
10 the board objects to the new designation. In that case the  
11 board shall publish the reasons for objection and afford  
12 all interested parties an opportunity to be heard. At  
13 the conclusion of the hearing the board shall announce its  
14 decision. Upon publication of objection to a new substance  
15 being designated as a controlled substance under this chapter  
16 by the board, control under this chapter is stayed until the  
17 board publishes its decision. If any new substance has not  
18 been designated a controlled substance under federal law and  
19 the board finds that the substance poses an imminent hazard  
20 to public safety, the board may designate the substance  
21 a controlled substance. If a substance is designated as  
22 controlled by the board under this ~~paragraph~~ subsection the  
23 control shall be temporary and if within sixty days after  
24 the next regular session of the general assembly convenes it  
25 has not made the corresponding changes in this chapter, the  
26 temporary designation of control of the substance by the board  
27 shall be nullified.

28 Sec. 2. Section 124.204, subsection 4, paragraph ai, Code  
29 Supplement 2011, is amended by striking the paragraph and  
30 inserting in lieu thereof the following:

31 *ai.* (1) Salvia divinorum.

32 (2) Salvinorin A.

33 (3) HU-210. [(6aR,10aR)-9-(hydroxymethyl)-6,6-  
34 dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-tetrahydrobenzo[c]  
35 chromen-1-ol)].

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1 (4) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-  
2 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]  
3 chromen-1-ol).

4 (5) Unless specifically exempted or unless listed in  
5 another schedule, any material, compound, mixture, or  
6 preparation which contains any quantity of cannabimimetic  
7 agents, or which contains their salts, isomers, and salts of  
8 isomers whenever the existence of such salts, isomers, and  
9 salts of isomers is possible within the specific chemical  
10 designation.

11 (a) The term "*cannabimimetic agents*" means any substance  
12 that is a cannabinoid receptor type 1 (CB1 receptor) agonist as  
13 demonstrated by binding studies and functional assays within  
14 any of the following structural classes:

15 (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the  
16 5-position of the phenolic ring by alkyl or alkenyl, whether or  
17 not substituted on the cyclohexyl ring to any extent.

18 (ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole  
19 by substitution at the nitrogen atom of the indole ring,  
20 whether or not further substituted on the indole ring to any  
21 extent, whether or not substituted on the naphthoyl or naphthyl  
22 ring to any extent.

23 (iii) 3-(1-naphthoyl)pyrrole by substitution at the  
24 nitrogen atom of the pyrrole ring, whether or not further  
25 substituted in the pyrrole ring to any extent, whether or not  
26 substituted on the naphthoyl ring to any extent.

27 (iv) 1-(1-naphthylmethyle)indene by substitution of  
28 the 3-position of the indene ring, whether or not further  
29 substituted in the indene ring to any extent, whether or not  
30 substituted on the naphthyl ring to any extent.

31 (v) 3-phenylacetylindole or 3-benzoylindole by substitution  
32 at the nitrogen atom of the indole ring, whether or not further  
33 substituted in the indole ring to any extent, whether or not  
34 substituted on the phenyl ring to any extent.

35 (b) Such terms include:

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- 1 (i) CP 47, 497 and homologues 2-[(1R, 3S)-3-  
2 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol).  
3 (ii) JWH-018 and AM678 1-Pentyl-3-(1-naphthoyl)indole.  
4 (iii) JWH-073 1-Butyl-3-(1-naphthoyl)indole.  
5 (iv) JWH-200 [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-  
6 naphthalenyl-methanone.  
7 (v) JWH-19 1-hexyl-3-(1-naphthoyl)indole.  
8 (vi) JWH-81 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole.  
9 (vii) JWH-122 1-pentyl-3-(4-methyl-1-naphthoyl)indole.  
10 (viii) JWH-250 1-pentyl-3-(2-methoxynaphthoyl)indole.  
11 (ix) RCS-4 and SR-19 1-pentyl-3-[(4-methoxy)-benzoyl]indole.  
12 (x) RCS-8 and SR-18 1-cyclohexylethyl-3-  
13 (-2-methoxyphenylacetyl)indole.  
14 (xi) AM2201 1-(5-fluoropentyl)-3-(1-naphthoyl)indole.  
15 (xii) JWH-203 1-pentyl-3-(2-chlorophenylacetyl)indole.  
16 (xiii) JWH-398 1-pentyl-3-(4-chloro-1-naphthoyl)indole.  
17 (xiv) AM694 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.  
18 (xv) Cannabicyclohexanol or CP-47,497 C8-homolog  
19 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.  
20 Sec. 3. Section 124.204, subsection 6, Code Supplement  
21 2011, is amended by adding the following new paragraph:  
22 NEW PARAGRAPH. i. Any substance, compound, mixture or  
23 preparation which contains any quantity of any synthetic  
24 cathinone that is not approved as a pharmaceutical, including  
25 but not limited to the following:  
26 (1) Mephedrone, also known as 4-methylmethcathinone,(RS)-2-  
27 methylamino-1-(4-methylphenyl) propan-1-one.  
28 (2) Methylene-dioxypyrovalerone(MDPV)[(1-(1,3-  
29 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone].  
30 (3) Methylone, also known as  
31 3,4-methylenedioxymethcathinone.  
32 (4) Naphthylpyrovalerone (naphyrone).  
33 (5) 4-fluoromethcathinone(flephedrone) or a positional  
34 isomer of 4-fluoromethcathinone.  
35 (6) 4-methoxymethcathinone (methedrone;Bk-PMMA).

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- 1 (7) Ethcathinone.  
2 (8) 3,4-methylenedioxyethcathinone(ethylone).  
3 (9) Beta-keto-N-methyl-3,4-benzodioxymethylbutanamine  
4 (butylone).  
5 (10) N,N-dimethylcathinone(metamfepramone).  
6 (11) Alpha-pyrrolidinopropiophenone (alpha-PPP).  
7 (12) 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP).  
8 (13) 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone  
9 (MDPPP).  
10 (14) Alpha-pyrrolidinovalerophenone (alpha-PVP).  
11 (15) 6,7-dihydro-5H-indeno(5,6-d)-1,3-dioxal-6 6-amine)  
12 (MDAI).  
13 (16) 3-fluoromethcathinone.  
14 (17) 4'-Methyl-2-pyrrolidinobutiophenone (MPBP).  
15 (18) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).  
16 (19) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).  
17 (20) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).  
18 (21) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).  
19 (22) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine  
20 (2C-T-2).  
21 (23) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine  
22 (2C-T-4).  
23 (24) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).  
24 (25) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).  
25 (26) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).  
26 Sec. 4. Section 124.401, subsection 1, paragraph d, Code  
27 Supplement 2011, is amended to read as follows:  
28 d. Violation of this subsection, with respect to any other  
29 controlled substances, counterfeit substances, or simulated  
30 controlled substances classified in section 124.204, subsection  
31 4, paragraph "a", section 124.204, subsection 6, paragraph "i",  
32 or classified in schedule IV or V is an aggravated misdemeanor.  
33 However, violation of this subsection involving fifty kilograms  
34 or less of marijuana or involving flunitrazepam is a class "D"  
35 felony.

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1     Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
2 immediate importance, takes effect upon enactment.

3                                   EXPLANATION

4     This bill grants authority to temporarily designate a  
5 substance a controlled substance and classifies certain  
6 substances as schedule I controlled substances, and makes  
7 penalties applicable.

8     The bill specifies that if any new substance has not been  
9 designated a controlled substance under federal law and the  
10 board of pharmacy finds that the substance poses an imminent  
11 hazard to public safety, the board may designate the substance  
12 a controlled substance. If a substance is designated as  
13 controlled by the board pursuant to the bill, the control shall  
14 be temporary and if within 60 days after the next regular  
15 session of the general assembly convenes the substance has  
16 not been classified as a controlled substance, the temporary  
17 controlled substance designation by the board is nullified.

18     The bill adds numerous synthetic cannabinoids, also known as  
19 "K2", to the list of schedule I controlled substances in Code  
20 section 124.204(4)(ai).

21     The bill adds numerous substances containing any quantity of  
22 any synthetic cathinone that are not approved pharmaceuticals  
23 to the list of schedule I controlled substances in Code section  
24 124.204(6).

25     A schedule I controlled substance is considered to have a  
26 high potential for abuse and no medical purpose in treatment in  
27 the United States.

28     Under the bill, it is an aggravated misdemeanor pursuant  
29 to Code section 124.401(1)(d) for any unauthorized person to  
30 manufacture, deliver, or possess with the intent to manufacture  
31 or deliver a synthetic cannabinoid classified as a schedule I  
32 controlled substance in Code section 124.204(4)(ai) including  
33 its counterfeit or simulated form, or to act with, enter into  
34 a common scheme or design with, or conspire with one or more  
35 persons to manufacture, deliver, or possess with the intent to

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1 manufacture or deliver such a schedule I controlled substance.  
2 It is also an aggravated misdemeanor pursuant to Code  
3 section 124.401(1)(d) under the bill for any unauthorized  
4 person to manufacture, deliver, or possess with the intent to  
5 manufacture or deliver a synthetic cathinone classified as a  
6 schedule I controlled substance in Code section 124.204(6)(i)  
7 including its counterfeit or simulated form, or to act with,  
8 enter into a common scheme or design with, or conspire with one  
9 or more persons to manufacture, deliver, or possess with the  
10 intent to manufacture or deliver such a schedule I controlled  
11 substance.  
12 It is also a serious misdemeanor for a first offense  
13 violation of Code section 124.401(5) for any unauthorized  
14 person to possess a controlled substance classified as a  
15 schedule I controlled substance.  
16 An aggravated misdemeanor is punishable by confinement for  
17 no more than two years and a fine of at least \$625 but not  
18 more than \$6,250. A serious misdemeanor is punishable by  
19 confinement for no more than one year and a fine of at least  
20 \$315 but not more than \$1,875.  
21 The bill takes effect upon enactment.



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**Senate Study Bill 3105 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR'S BILL)

**A BILL FOR**

1 An Act relating to sex offender notification, providing  
2 penalties, and including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 135C.23A Sex offender notification.

2 1. Upon commitment of a person required to register as  
3 a sex offender as provided in section 692A.103 to a nursing  
4 facility, residential care facility, or assisted living program  
5 as defined in section 231C.2, the clerk of the committing court  
6 shall notify the department of inspections and appeals and the  
7 admitting facility or program.

8 2. Prior to or immediately upon admission of a resident or  
9 tenant to a nursing facility, residential care facility, or  
10 assisted living program, the facility or program shall access  
11 and search the sex offender registry established in chapter  
12 692A to determine whether the resident or tenant is a person  
13 required to register as a sex offender, as provided in section  
14 692A.103.

15 3. Upon the admission of a person required to register as a  
16 sex offender, a nursing facility, residential care facility, or  
17 assisted living program shall provide notice of the admission,  
18 in accordance with rules adopted by the department, to all of  
19 the following persons:

20 a. A resident or tenant of the facility or program.

21 b. The emergency contact person or next of kin for a  
22 resident or tenant of the facility or program.

23 c. An operator, owner, manager, or employee of the facility  
24 or program.

25 d. A visitor to the facility or program.

26 e. The sheriff for the county in which the facility or  
27 program is located.

28 4. Upon the admission of a person required to register as a  
29 sex offender, a nursing facility, residential care facility, or  
30 assisted living program shall develop and implement a written  
31 safety plan for each such person in accordance with rules  
32 adopted by the department.

33 5. The department shall establish by rule, all of the  
34 following:

35 a. The requirements of the notice required under this

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1 section. The rules shall include but are not limited to  
2 provisions for the method of notice and time of notice to each  
3 of the persons enumerated in subsection 3.

4     **b.** The requirements of a safety plan for persons required  
5 to register as a sex offender who are admitted by a nursing  
6 facility, residential care facility, or assisted living  
7 program. The rules shall include but are not limited to all of  
8 the following:

9         (1) A plan for the safety of residents or tenants.

10        (2) A plan for the safety of others when a person required  
11 to register as a sex offender temporarily leaves a facility or  
12 program or when community functions are held at a facility or  
13 program.

14        (3) A provision for establishing the responsibilities of  
15 a nursing facility, residential care facility, and assisted  
16 living program and of the operators, owners, managers,  
17 employees, residents, and tenants of facilities and programs.

18        (4) A provision for the timely development and  
19 implementation of a safety plan.

20     **c.** Civil penalties for a violation of this section in  
21 accordance with section 135C.36.

22     6. A violation of this section is subject to the imposition  
23 of a civil penalty in accordance with rules adopted by the  
24 department pursuant to this section.

25     Sec. 2. Section 231C.3, subsection 9, Code 2011, is amended  
26 to read as follows:

27     9. An assisted living program shall comply with ~~section~~  
28 sections 135C.23A and 135C.33.

29     Sec. 3. Section 602.8102, Code 2011, is amended by adding  
30 the following new subsection:

31     NEW SUBSECTION. 152. Notify the department of inspections  
32 and appeals and the admitting entity upon commitment of a  
33 person required to register as a sex offender as provided in  
34 section 692A.103 to a nursing facility or residential care  
35 facility as defined in section 135C.1, or assisted living

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1 program as defined in section 231C.2.

2     Sec. 4. EMERGENCY RULES. The department of inspections  
3 and appeals shall adopt administrative rules under section  
4 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph  
5 "b", to implement the provisions of this Act and the rules  
6 shall become effective immediately upon filing or on a later  
7 effective date specified in the rules. Any rules adopted in  
8 accordance with the provisions of this section shall also be  
9 published as a notice of intended action as provided in section  
10 17A.4.

11     Sec. 5. CURRENT RESIDENTS AND TENANTS — ACCESS AND SEARCH  
12 OF SEX OFFENDER REGISTRY AND NOTIFICATION. A nursing facility,  
13 residential care facility, or assisted living program, within  
14 three months of the adoption of the rules by the department of  
15 inspections and appeals regarding notification of the admission  
16 of persons required to register as a sex offender to a facility  
17 or program and development and implementation of safety plans  
18 relating to such admitted persons, shall access and search  
19 the sex offender registry established in chapter 692A for  
20 persons who were residents or tenants of a facility or program  
21 prior to the adoption of the rules and who remain residents or  
22 tenants of the facility or program after the adoption of the  
23 rules. Upon determining that a resident or tenant is a person  
24 required to register as a sex offender, the facility or program  
25 shall, within three months of the adoption of the rules, notify  
26 persons as required by section 135C.23A and the rules adopted  
27 pursuant to that section and develop and implement a safety  
28 plan as required by section 135C.23A and the rules adopted  
29 pursuant to that section.

30     Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
31 immediate importance, takes effect upon enactment.

32                                   EXPLANATION

33     This bill relates to notifying residents and tenants of  
34 certain facilities and programs about the status of other  
35 residents or tenants included on the state's sex offender

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1 registry.

2 The bill requires the clerk of a court that is committing  
3 a person required to register as a sex offender to a nursing  
4 facility, residential care facility, or assisted living program  
5 to notify the department of inspections and appeals (DIA) and  
6 the facility or program to which the person is being committed.

7 The bill requires a nursing facility, residential care  
8 facility, and assisted living program prior to or immediately  
9 upon the admission of a resident or tenant to access and search  
10 the sex offender registry to determine whether the resident or  
11 tenant is included on the registry.

12 Upon the admission of a person required to register as a  
13 sex offender, a nursing facility, residential care facility,  
14 or assisted living program must provide notice as provided in  
15 the DIA's rules to residents or tenants, the emergency contact  
16 or next of kin for residents or tenants, operators, owners,  
17 managers, or employees of the facility or program, visitors to  
18 the facility or program, and the county sheriff.

19 The bill also requires nursing facilities, residential  
20 care facilities, and assisted living programs to develop and  
21 implement a written safety plan complying with the DIA's rules  
22 relating to each person required to register as a sex offender  
23 admitted to the facility or program.

24 The bill requires the DIA to establish rules for the  
25 requirements of the notice including the method of notice and  
26 time of notice, the requirements of the safety plans including  
27 the safety plan for other residents and the community,  
28 a provision for the responsibilities of the facility or  
29 program, the operators, owners, managers, or employees, and  
30 the residents and tenants, and a provision for the timely  
31 development and implementation of safety plans, and civil  
32 penalties for a violation of the bill. A person who violates  
33 the requirements of the bill is subject to a civil penalty.

34 The bill requires the DIA to adopt emergency rules.

35 The bill provides that a nursing facility, residential care

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1 facility, or assisted living program, within three months  
2 of the adoption of the DIA's rules regarding sex offender  
3 notification, is required to access and search the sex offender  
4 registry to determine whether current residents or tenants  
5 are on the registry. If a current resident or tenant is on  
6 the sex offender registry, the nursing facility, residential  
7 care facility, or assisted living program, within three months  
8 of the adoption of the DIA's rules, shall notify persons as  
9 required under the bill and develop and implement a safety plan  
10 as required under the bill.  
11 The bill takes effect upon enactment.



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**Senate Study Bill 3106 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON FRAISE)

**A BILL FOR**

1 An Act enhancing the criminal penalty for an assault on a  
2 public transit bus operator, and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 708.3A, subsections 1 through 4, Code  
2 2011, are amended to read as follows:

3 1. A person who commits an assault, as defined in section  
4 708.1, against a peace officer, jailer, correctional staff,  
5 member or employee of the board of parole, health care  
6 provider, employee of the department of human services,  
7 employee of the department of revenue, public transit bus  
8 operator, or fire fighter, whether paid or volunteer, with the  
9 knowledge that the person against whom the assault is committed  
10 is a peace officer, jailer, correctional staff, member or  
11 employee of the board of parole, health care provider, employee  
12 of the department of human services, employee of the department  
13 of revenue, public transit bus operator, or fire fighter and  
14 with the intent to inflict a serious injury upon the peace  
15 officer, jailer, correctional staff, member or employee of  
16 the board of parole, health care provider, employee of the  
17 department of human services, employee of the department of  
18 revenue, public transit bus operator, or fire fighter, is  
19 guilty of a class "D" felony.

20 2. A person who commits an assault, as defined in section  
21 708.1, against a peace officer, jailer, correctional staff,  
22 member or employee of the board of parole, health care  
23 provider, employee of the department of human services,  
24 employee of the department of revenue, public transit bus  
25 operator, or fire fighter, whether paid or volunteer, who knows  
26 that the person against whom the assault is committed is a  
27 peace officer, jailer, correctional staff, member or employee  
28 of the board of parole, health care provider, employee of the  
29 department of human services, employee of the department of  
30 revenue, public transit bus operator, or fire fighter and who  
31 uses or displays a dangerous weapon in connection with the  
32 assault, is guilty of a class "D" felony.

33 3. A person who commits an assault, as defined in section  
34 708.1, against a peace officer, jailer, correctional staff,  
35 member or employee of the board of parole, health care

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1 provider, employee of the department of human services,  
2 employee of the department of revenue, public transit bus  
3 operator, or fire fighter, whether paid or volunteer, who knows  
4 that the person against whom the assault is committed is a  
5 peace officer, jailer, correctional staff, member or employee  
6 of the board of parole, health care provider, employee of the  
7 department of human services, employee of the department of  
8 revenue, public transit bus operator, or fire fighter, and  
9 who causes bodily injury or mental illness, is guilty of an  
10 aggravated misdemeanor.

11 4. Any other assault, as defined in section 708.1, committed  
12 against a peace officer, jailer, correctional staff, member  
13 or employee of the board of parole, health care provider,  
14 employee of the department of human services, employee of the  
15 department of revenue, public transit bus operator, or fire  
16 fighter, whether paid or volunteer, by a person who knows that  
17 the person against whom the assault is committed is a peace  
18 officer, jailer, correctional staff, member or employee of  
19 the board of parole, health care provider, employee of the  
20 department of human services, employee of the department of  
21 revenue, public transit bus operator, or fire fighter, is a  
22 serious misdemeanor.

23 EXPLANATION

24 This bill enhances the criminal penalty for an assault on a  
25 public transit bus operator. The bill adds a public transit  
26 bus operator to the list of occupations covered under Code  
27 section 708.3A.

28 Under the bill, if a person assaults a public transit bus  
29 operator with the intent to inflict serious injury or uses a  
30 dangerous weapon in connection with the assault, that person  
31 commits a class "D" felony. If a person assaults a public  
32 transit bus operator and causes bodily injury or mental  
33 illness, that person commits an aggravated misdemeanor and  
34 if the person commits any other type of assault, that person  
35 commits a serious misdemeanor.

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1     Similar assaults without the enhanced penalties are  
2 punishable as provided in Code section 708.2.  
3     A serious misdemeanor is punishable by confinement for no  
4 more than one year and a fine of at least \$315 but not more than  
5 \$1,875. An aggravated misdemeanor is punishable by confinement  
6 for no more than two years and a fine of at least \$625 but  
7 not more than \$6,250. A class "D" felony is punishable by  
8 confinement for no more than five years and a fine of at least  
9 \$750 but not more than \$7,500.



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**Senate Study Bill 3107 - Introduced**

SENATE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON RAGAN)

**A BILL FOR**

1 An Act establishing a rural Iowa primary care grant and  
2 forgivable loan program to be administered by the college  
3 student aid commission, a rural Iowa primary care trust  
4 fund, and making appropriations.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5456XC (4) 84  
kh/nh



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S.F. \_\_\_\_\_

1 Section 1. **NEW SECTION. 261.115 Rural Iowa primary care**  
2 **grant and forgivable loan program — fund — appropriations.**

3 1. *Program established.* A rural Iowa primary care grant and  
4 forgivable loan program is established to be administered by  
5 the college student aid commission for purposes of providing  
6 grants and forgivable loans to medical students who agree to  
7 practice as physicians in service commitment areas for two  
8 years.

9 2. *Eligibility.* An individual is eligible to apply to enter  
10 into a program agreement with the commission if the individual  
11 is enrolled in the state university of Iowa college of medicine  
12 or Des Moines university — osteopathic medical center in a  
13 curriculum leading to a doctor of medicine degree or a doctor  
14 of osteopathy degree.

15 3. *Program agreements.* A program agreement shall be  
16 entered into by an eligible student and the commission when  
17 the eligible student begins the curriculum leading to a doctor  
18 of medicine or osteopathy degree. Under the agreement, the  
19 eligible student shall receive a grant award and forgivable  
20 loan in accordance with subsection 4, and the eligible student  
21 shall agree to meet all of the following requirements:

22 a. Receive a doctor of medicine or osteopathy degree from  
23 an eligible university and apply for, enter, and complete a  
24 residency program approved by the commission.

25 b. Apply for and obtain a license to practice medicine and  
26 surgery or osteopathic medicine and surgery in this state.

27 c. Within nine months of receiving a license in accordance  
28 with paragraph "b", engage in the full-time practice of medicine  
29 and surgery or osteopathic medicine and surgery specializing in  
30 family medicine, pediatrics, psychiatry, internal medicine, or  
31 general surgery for a period of forty-eight consecutive months  
32 in the service commitment area specified under subsection  
33 6, unless the grant recipient receives a waiver from the  
34 commission to complete the months of practice required under  
35 the agreement in another service commitment area pursuant to



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1 subsection 6.

2 4. *Priority to Iowa residents.* In awarding grants, the  
3 commission shall give priority to eligible students who are  
4 residents of Iowa upon enrolling in the university.

5 5. *Grant awards and forgivable loan amounts.*

6 a. The amount of a program grant to a full-time student  
7 who enters into an agreement pursuant to subsection 3 shall  
8 be not more than thirty thousand dollars annually for tuition  
9 and mandatory fees. The amount of a forgivable loan shall be  
10 not more than twenty thousand dollars annually for the living  
11 expenses of the grant recipient.

12 b. The commission shall not enter into more than twenty  
13 program agreements annually, and the aggregate total of grants  
14 awarded shall not exceed eighty in a fiscal year. Fifty  
15 percent of the grants shall be awarded to students attending  
16 each university described in subsection 2. However, if  
17 there are fewer than ten eligible student applicants at one  
18 university, eligible student applicants enrolled in the other  
19 university may be awarded the remaining grants.

20 6. *Selection of service commitment area.* A grant recipient  
21 shall notify the commission of the recipient's service  
22 commitment area prior to beginning practice in the area in  
23 accordance with subsection 3, paragraph "c". The commission  
24 may waive the requirement that the grant recipient practice in  
25 the same service commitment area for all forty-eight months.

26 7. *Failure to satisfy agreement — repayment provisions.*

27 a. Except as otherwise provided in this subsection, a  
28 person who entered into an agreement pursuant to subsection 3  
29 and fails to meet the requirements of the agreement shall be  
30 subject to the following:

31 (1) Except as provided in subsection 8, a person who fails  
32 to engage in the full-time practice of medicine and surgery or  
33 osteopathic medicine and surgery within a service commitment  
34 area for the required period of time shall repay the commission  
35 an amount equal to the total of the amount of grant and



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1 forgivable loan moneys received by the person pursuant to the  
2 agreement or the amount of money determined under rules adopted  
3 by the commission, plus annual interest at the rate of ten  
4 percent per annum from the date such money was received.

5 (2) A person who fails to apply for and enter residency  
6 in accordance with the agreement shall be required to repay  
7 the commission, upon graduation from the eligible university  
8 or upon termination or completion of a residency that does  
9 not comply with the provisions of the agreement, whichever is  
10 later, an amount equal to the total of the amount of grant and  
11 forgivable loan moneys received by the person pursuant to the  
12 agreement or the amount of money determined under rules adopted  
13 by the commission, plus annual interest at the rate of fifteen  
14 percent per annum.

15 b. Repayment of an amount determined pursuant to paragraph  
16 "a" shall be made in not more than ten equal annual installment  
17 payments. Repayment shall commence six months after the  
18 date on which the commission determined that the person was  
19 noncompliant with the agreement pursuant to paragraph "a".  
20 If an installment payment is more than ninety days overdue,  
21 the entire repayment amount, including interest, shall become  
22 immediately due and payable. The total repayment obligation  
23 imposed on a person pursuant to this subsection may be  
24 satisfied by the person at any time prior to graduation from  
25 an eligible university if the person makes a single lump-sum  
26 payment equal to the total of the entire amount received, plus  
27 all amounts of interest accrued as determined by the commission  
28 under the terms of the agreement.

29 c. If at any time a person who is making repayments pursuant  
30 to paragraph "a", subparagraph (1), takes actions which  
31 secure compliance with the agreement entered into pursuant  
32 to subsection 3, the commission shall waive the balance of  
33 the repayment amount, including any interest accrued on the  
34 balance of the repayment amount, from the time the commission  
35 determines that the person secured compliance with the



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1 agreement until the person's obligation is satisfied, or until  
2 such time as the person again becomes subject to repayments for  
3 noncompliance. Any repayment amount due prior to the time the  
4 commission determines that the person secured compliance with  
5 the agreement shall continue to be payable as determined by the  
6 commission pursuant to this subsection.

7     8. *Part-time practice — agreement amended.* A person who  
8 entered an agreement pursuant to subsection 3 may apply to the  
9 commission to amend the agreement to allow the person to engage  
10 in less than the full-time practice specified in the agreement  
11 and under subsection 3, paragraph "c". If the commission  
12 determines exceptional circumstances exist, the commission and  
13 the person may consent to amend the agreement under which the  
14 person shall engage in less than full-time practice of medicine  
15 and surgery or osteopathic medicine and surgery specializing in  
16 family medicine, pediatrics, psychiatry, internal medicine, or  
17 general surgery in a service commitment area for an extended  
18 period of part-time practice determined by the commission to  
19 be proportional to the amount of full-time practice remaining  
20 under the original agreement.

21     9. *Postponement and satisfaction of service obligation.*

22     a. The obligation to engage in practice in accordance with  
23 subsection 3 shall be postponed for the following purposes:

24         (1) Active duty status in the armed forces, the armed forces  
25 military reserve, or the national guard.

26         (2) Service in volunteers in service to America.

27         (3) Service in the federal peace corps.

28         (4) A period of service commitment to the United States  
29 public health service commissioned corps.

30         (5) A period of religious missionary work conducted by an  
31 organization exempt from federal income taxation pursuant to  
32 section 501(c)(3) of the Internal Revenue Code.

33         (6) Any period of temporary medical incapacity during which  
34 the person obligated is unable, due to a medical condition, to  
35 engage in full-time practice as required under subsection 3,



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1 paragraph "c".

2     **b.** Except for a postponement under paragraph "a",  
3 subparagraph (6), an obligation to engage in practice under an  
4 agreement pursuant to subsection 3, shall not be postponed for  
5 more than two years from the time the full-time practice was to  
6 have commenced under the agreement.

7     **c.** An obligation to engage in full-time practice under  
8 an agreement entered into pursuant to subsection 3 shall be  
9 considered satisfied when any of the following conditions are  
10 met:

11         (1) The terms of the agreement are completed.

12         (2) The person who entered into the agreement dies.

13         (3) The person who entered into the agreement, due to  
14 a permanent disability, is unable to practice medicine and  
15 surgery or osteopathic medicine and surgery.

16     10. *Trust fund established.*

17     **a.** A rural Iowa primary care trust fund is created in the  
18 state treasury as a separate fund under the control of the  
19 commission. The commission shall remit all repayments made  
20 pursuant to this section to the rural Iowa primary care trust  
21 fund. All moneys deposited or paid into the trust fund are  
22 appropriated and made available to the commission to be used  
23 for meeting the requirements of this section. Notwithstanding  
24 section 8.33, any balance in the fund on June 30 of each fiscal  
25 year shall not revert to the general fund of the state, but  
26 shall be available for purposes of this section in subsequent  
27 fiscal years.

28     **b.** There is appropriated from the general fund of the  
29 state to the rural Iowa primary care trust fund, the following  
30 amounts for the following designated fiscal years for purposes  
31 of the rural Iowa primary care grant program:

32         (1) For the fiscal year beginning July 1, 2012, and ending  
33 June 30, 2013, the sum of one million dollars.

34         (2) For the fiscal year beginning July 1, 2013, and ending  
35 June 30, 2014, the sum of two million dollars.



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1 (3) For the fiscal year beginning July 1, 2014, and ending  
2 June 30, 2015, the sum of three million dollars.

3 (4) For the fiscal year beginning July 1, 2015, and each  
4 fiscal year thereafter, the sum of four million dollars.

5 11. *Definitions.* For purposes of this section:

6 a. "*Eligible university*" means either the state university  
7 of Iowa college of medicine or Des Moines university —  
8 osteopathic medical center.

9 b. "*Service commitment area*" means a city in Iowa with a  
10 population of less than twenty thousand that is located more  
11 than twenty miles from a city with a population of fifty  
12 thousand or more.

13 EXPLANATION

14 This bill establishes a rural Iowa primary care grant and  
15 forgivable loan program to be administered by the college  
16 student aid commission for purposes of providing grants and  
17 forgivable loans to medical students who agree to practice  
18 as physicians in service commitment areas for four years,  
19 establishes a rural Iowa primary care trust fund, and  
20 appropriates moneys to the fund from the general fund of the  
21 state in escalating amounts of \$1 million, \$2 million, \$3  
22 million, and \$4 million for each fiscal year in the fiscal  
23 period beginning in FY 2012-2013 and ending in FY 2015-2016,  
24 and appropriating \$4 million to the fund for each fiscal year  
25 thereafter.

26 An individual is eligible to apply to the commission to  
27 enter into a program agreement with the commission if the  
28 individual is enrolled in the university of Iowa college of  
29 medicine or Des Moines university — osteopathic medical center  
30 in a curriculum leading to a doctor of medicine or osteopathy  
31 degree.

32 Under the agreement, the eligible student receives an annual  
33 grant award of up to \$30,000 for tuition and mandatory fees  
34 and an annual forgivable loan amount of up to \$20,000 for  
35 living expenses, and the eligible student agrees to receive a



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1 doctor of medicine or osteopathy degree; apply for, enter, and  
2 complete a residency program approved by the commission; apply  
3 for and obtain a license to practice medicine and surgery or  
4 osteopathic medicine and surgery in this state; and, within  
5 nine months of receiving a license, engage in the full-time  
6 practice of medicine and surgery, specializing in family  
7 medicine, pediatrics, psychiatry, internal medicine, or general  
8 surgery for 48 consecutive months in the service commitment  
9 area, unless the grant recipient receives a waiver from the  
10 commission to complete the months of practice required under  
11 the agreement in another service commitment area. A service  
12 commitment area is defined to mean a city in Iowa with a  
13 population of less than 20,000 that is located more than 20  
14 miles from a city with a population of 50,000 or more.

15 In awarding grants, the commission shall give priority to  
16 eligible students who are residents of Iowa upon enrolling in  
17 the university.

18 Not more than 20 program agreements may be entered into  
19 annually, and the aggregate total of grants awarded shall not  
20 exceed 80 in a fiscal year. Fifty percent of the grants shall  
21 be awarded to students attending each university, though if  
22 there are fewer than 10 eligible student applicants at one  
23 university, eligible student applicants enrolled in the other  
24 university may be awarded the remaining grants.

25 A person who fails to meet the requirements of the program  
26 agreement shall be subject to repayment. If the person fails  
27 to engage in the full-time practice of medicine and surgery  
28 within a service commitment area for the required period of  
29 time, the person must repay the commission the total amount  
30 of the grant and forgivable loan moneys received plus annual  
31 interest at the rate of 10 percent per annum from the date such  
32 money was received. A person who fails to apply for and enter  
33 residency shall be required to repay, upon graduation or upon  
34 termination or completion of a residency that does not comply  
35 with the provisions of the agreement, whichever is later, an



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1 amount equal to the total of the amount of grant and forgivable  
2 loan moneys received, plus annual interest at the rate of 15  
3 percent per annum.

4 Repayment shall be made in not more than 10 equal annual  
5 installment payments, and shall commence six months after  
6 the date on which the commission determined that the person  
7 was noncompliant. If an installment payment is more than 90  
8 days overdue, the entire repayment amount including interest  
9 shall become immediately due and payable. The total repayment  
10 obligation may be satisfied at any time prior to graduation if  
11 the person makes a single lump-sum payment equal to the total  
12 amount received plus all amounts of interest accrued.

13 The commission is authorized to waive future repayments  
14 for a person who is making repayments but who takes action to  
15 secure compliance with the agreement. Any repayment amount due  
16 prior to the time the commission determines that the person  
17 secured compliance with the agreement shall continue to be  
18 payable as determined by the commission.

19 A person may apply to the commission to amend the agreement  
20 to allow the person to engage in less than full-time practice.  
21 If the commission determines exceptional circumstances  
22 exist, the commission and the person may consent to amend  
23 the agreement to provide for an extended period of part-time  
24 practice determined by the commission to be proportional to  
25 the amount of full-time practice remaining under the original  
26 agreement.

27 The obligation to engage in practice may be postponed  
28 for active duty status in the armed forces, the armed forces  
29 military reserve, or the national guard; service in volunteers  
30 in service to America; service in the federal peace corps; a  
31 period of service commitment to the U.S. public health service  
32 commissioned corps; a period of religious missionary work; or  
33 any period of temporary medical incapacity. However, except  
34 for periods of medical incapacity, a postponement cannot last  
35 more than two years.



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1     The obligation shall be considered satisfied when the terms  
2 of the agreement are completed, the person dies, or the person,  
3 due to a permanent disability, is unable to practice medicine  
4 and surgery.



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Senate Study Bill 3108 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ECONOMIC  
DEVELOPMENT AUTHORITY BILL)

A BILL FOR

1 An Act relating to economic development by providing an  
2 adjustment to net income for certified suppliers of anchor  
3 manufacturers for purposes of state taxation and including  
4 retroactive applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 15.226 Definitions.  
2 For purposes of this part:  
3 1. "*Anchor manufacturer*" means a business that meets all of  
4 the following:  
5 a. Manufactures tangible personal property at a facility in  
6 Iowa.  
7 b. Exports at least fifty percent of the tangible personal  
8 property produced at the facility to markets outside of the  
9 state.  
10 2. "*Certified supplier*" means a business certified pursuant  
11 to section 15.227.  
12 3. "*Facility*" means a building or buildings located in the  
13 state at which tangible personal property is manufactured for  
14 sale within or without the state of Iowa.  
15 4. "*Manufactured*" or "*Manufactures*" means adding value to  
16 personal property through a process of manufacturing, refining,  
17 purifying, combining of different materials, the packaging of  
18 meats, extracting and recovering natural resources, and all  
19 processes of fabricating and curing, with a view to selling the  
20 property for gain or profit.  
21 5. "*Tangible personal property*" means the same as defined in  
22 section 422.33, subsection 2, unnumbered paragraph 2.  
23 Sec. 2. NEW SECTION. 15.227 Certification of suppliers.  
24 1. A business meeting the requirements of subsection 2 may  
25 apply to the authority, no later than ninety days after the  
26 end of a tax year of the business, for certification under  
27 this section. If a business applying to the authority meets  
28 the requirements of subsection 2, the authority shall issue  
29 a certificate to the business stating that the business is a  
30 certified supplier.  
31 2. To receive certification as a certified supplier, a  
32 business must meet all of the following for the tax year  
33 immediately preceding the tax year for which the requested  
34 certificate will be valid:  
35 a. The business manufactures tangible personal property at a

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1 facility in Iowa.

2     *b.* The business derives more than ten percent of its gross  
3 sales from sales to anchor manufacturers.

4     *c.* The business provides a statement from an anchor  
5 manufacturer, signed by an officer or authorized representative  
6 of the anchor manufacturer, attesting that the anchor  
7 manufacturer meets the definition of anchor manufacturer under  
8 section 15.226, and provides supporting documentation in a form  
9 prescribed by the authority.

10    *d.* The business meets one of the following criteria:

11       (1) At least ten percent of the total payroll of the  
12 business is located in the state.

13       (2) The business employs at least one hundred employees at a  
14 facility in the state.

15     *e.* The business agrees to annually provide to the authority  
16 information and data on jobs created and capital investments  
17 made in the state by the business. The information and data  
18 shall be in a form prescribed by the authority.

19     3. A certificate is valid for one tax year and shall include  
20 an expiration date. Reapplication may be made each year for  
21 certification under this part. The department of revenue shall  
22 accept a validly issued, unexpired certificate issued under  
23 this section.

24     Sec. 3. NEW SECTION. 15.228 Eligibility for adjustment to  
25 net income of certified suppliers.

26     A certified supplier shall be eligible to make the  
27 adjustment to net income in section 422.35, subsection 26, for  
28 a tax year if all the following apply:

29       1. The certified supplier's net business income for the tax  
30 year, allocated and apportioned to this state under section  
31 422.33, subsection 2, paragraph "b", computed without regard  
32 to section 422.35, subsection 26, increased by more than ten  
33 percent over the certified supplier's net business income in  
34 the prior year, allocated and apportioned to this state under  
35 section 422.33, subsection 2, paragraph "b".

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1     2. The certified supplier attaches a copy of a valid,  
2 unexpired certificate issued under section 15.227 to the  
3 certified supplier's tax return required under chapter 422.

4     Sec. 4. NEW SECTION. 15.229 Rules.

5     The authority and the department of revenue may adopt rules  
6 for the implementation of this part.

7     Sec. 5. Section 422.35, Code Supplement 2011, is amended by  
8 adding the following new subsection:

9     NEW SUBSECTION. 26. If the taxpayer is a certified supplier  
10 that meets the requirements in section 15.228, subtract an  
11 amount equal to the difference between the taxpayer's net  
12 business income for the tax year, allocated and apportioned  
13 under section 422.33, subsection 2, paragraph "b", computed  
14 without regard to this subsection, and one hundred ten percent  
15 of the taxpayer's net business income for the prior tax year,  
16 allocated and apportioned under section 422.33, subsection 2,  
17 paragraph "b".

18     Sec. 6. RETROACTIVE APPLICABILITY. This Act applies  
19 retroactively to January 1, 2012, for tax years beginning on  
20 or after that date.

21                                   EXPLANATION

22     This bill creates an economic development program that  
23 allows a certified supplier to make an adjustment to net income  
24 for state corporate tax purposes.

25     To qualify as a certified supplier under the bill, a business  
26 must manufacture tangible personal property in Iowa, derive  
27 more than 10 percent of its gross sales from sales to anchor  
28 manufacturers, supply the authority with a signed statement  
29 from the anchor manufacturer attesting that the anchor  
30 manufacturer qualifies as an anchor manufacturer, and must  
31 either maintain at least 10 percent of its payroll in Iowa or  
32 employ at least 100 employees in Iowa. "Anchor manufacturer"  
33 is defined as a business that manufactures tangible personal  
34 property in Iowa and exports at least 50 percent of the  
35 tangible personal property produced in Iowa outside of the

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1 state.

2 A business that meets all of the qualifications of a  
3 certified supplier may annually apply to the authority to  
4 receive a certificate labeling the business as a certified  
5 supplier. A business must apply for a certificate no later  
6 than 90 days after the end of its tax year. The certificate is  
7 valid for one year and shall include an expiration date.

8 The certified supplier will be entitled to make an  
9 adjustment to its net income if it attaches the valid,  
10 unexpired certificate to its tax return, and if its net  
11 business income allocated and apportioned to this state,  
12 computed without regard to the adjustment to net income  
13 provided in the bill, increased by more than 10 percent over  
14 its prior year net business income allocated and apportioned  
15 to this state.

16 If both requirements are met, the certified supplier is  
17 entitled to subtract from its net income an amount equal to  
18 the difference between its current year net business income  
19 allocated and apportioned to this state, computed without  
20 regard to the adjustment to net income provided in the bill,  
21 and 110 percent of its prior year net business income allocated  
22 and apportioned to this state.

23 The bill provides the authority and department of revenue  
24 with rulemaking authority.

25 The bill applies retroactively to January 1, 2012, for tax  
26 years beginning on or after that date.



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**Senate Study Bill 3109 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
TRANSPORTATION BILL)

**A BILL FOR**

1 An Act relating to matters under the purview of the department  
2 of transportation, including provisions concerning the  
3 regulation of motor vehicles and motor vehicle dealers, the  
4 licensing and regulation of motor vehicle operators, and  
5 administrative reporting requirements, providing penalties,  
6 and including effective date provisions.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I  
2 MOTOR VEHICLE OPERATORS  
3 Section 1. Section 321.1, subsection 24B, paragraph c, Code  
4 Supplement 2011, is amended to read as follows:  
5 ~~c. A valid statement issued by the treasurer of state~~  
6 ~~pursuant to certificate of deposit filed with the department~~  
7 ~~as provided in section 321A.25 attesting to the filing of a~~  
8 ~~certificate of deposit with the treasurer of state.~~  
9 Sec. 2. Section 321.196, subsection 4, Code 2011, is amended  
10 to read as follows:  
11 4. The department in its discretion may authorize the  
12 renewal of a valid driver's license other than a commercial  
13 driver's license upon application without an examination  
14 provided that the applicant meets one of the following  
15 conditions:  
16 a. The applicant satisfactorily passes a vision test as  
17 prescribed by the department or.  
18 b. The applicant files a vision report in accordance with  
19 section 321.186A which shows that the applicant's visual acuity  
20 level meets or exceeds those required by the department.  
21 c. The applicant is eligible for license renewal  
22 electronically, pursuant to rules adopted by the department.  
23 4A. An application for renewal of a driver's license shall  
24 include a statement for the applicant to sign that acknowledges  
25 the applicant's knowledge of the requirement to notify the  
26 department of a mailing address change under section 321.182,  
27 subsection 1.  
28 Sec. 3. Section 321.208, subsection 6, Code 2011, is amended  
29 by adding the following new paragraph:  
30 NEW PARAGRAPH. i. Using a hand-held electronic device to  
31 write, send, or read a text message in violation of section  
32 321.276 while operating a commercial motor vehicle.  
33 Sec. 4. Section 321.211, subsection 2, Code 2011, is amended  
34 to read as follows:  
35 2. ~~There is appropriated each year from the road use~~

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~~1 tax fund to the department of transportation two hundred~~  
~~2 twenty-five thousand dollars or as much thereof as is necessary~~  
~~3 to be used to pay the cost of notice and personal delivery~~  
~~4 of service, as necessary to meet the notice requirement of~~  
~~5 this section.~~ The department shall adopt rules governing the  
~~6 payment of the cost of personal delivery of service of notice.~~  
7 The reinstatement fees collected under section 321.191 shall  
8 be deposited in the road use tax fund in the manner provided in  
9 section 321.145, as reimbursement for to help defray the costs  
10 of notice under this section incurred in the driver's license  
11 sanction and reinstatement process.

12 Sec. 5. Section 321.257, subsection 2, paragraph f, Code  
13 Supplement 2011, is amended to read as follows:

14 *f.* A "flashing circular yellow" light means vehicular  
15 traffic shall proceed through the intersection or past such  
16 signal with caution.

17 Sec. 6. Section 321.257, subsection 2, Code Supplement  
18 2011, is amended by adding the following new paragraphs:

19 NEW PARAGRAPH. *Od.* A "steady red arrow" light shown alone  
20 or with another official traffic-control signal means vehicular  
21 traffic shall not enter the intersection to make the movement  
22 indicated by the arrow. A steady red arrow light does not  
23 prohibit entering the intersection to make another movement  
24 permitted by another signal indicator. A steady red arrow  
25 light is intended to prohibit traffic, except pedestrians  
26 directed by a pedestrian signal, from entering the intersection  
27 to make the indicated turn.

28 NEW PARAGRAPH. *Og.* A "flashing yellow arrow" light shown  
29 alone or with another official traffic-control signal means  
30 vehicular traffic may cautiously enter the intersection only  
31 to make the movement indicated by the arrow, or other such  
32 movement as permitted by other signal indicators displayed at  
33 the same time. Vehicular traffic proceeding under a flashing  
34 yellow arrow light shall yield the right-of-way to other  
35 vehicles and pedestrians lawfully within the intersection.

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1     Sec. 7. Section 321.258, Code 2011, is amended by striking  
2 the section and inserting in lieu thereof the following:

3     **321.258 Arrangement of lights on official traffic-control**  
4 **signals.**

5     The design, color, and arrangement of lights placed on an  
6 official traffic control signal shall be in conformance with  
7 the manual on uniform traffic-control devices adopted pursuant  
8 to section 321.252.

9     Sec. 8. Section 321A.18, subsection 3, Code 2011, is amended  
10 to read as follows:

11     3. ~~A statement issued by the treasurer of state attesting to~~  
12 ~~the filing of a certificate of deposit with the treasurer of~~  
13 ~~state as provided in section 321A.25.~~

14     Sec. 9. Section 321A.25, Code 2011, is amended to read as  
15 follows:

16     **321A.25 Certificate of deposit as proof.**

17     1. Proof of financial responsibility may be evidenced  
18 ~~by the statement of the treasurer of state that the person~~  
19 ~~named in the statement has filed filing with the treasurer~~  
20 ~~of state department~~ fifty-five thousand dollars in the form  
21 of an ~~endorsed~~ a certificate of deposit made payable jointly  
22 to the ~~person and the treasurer of state department~~. The  
23 certificate of deposit shall be obtained from an Iowa financial  
24 institution in the amount of fifty-five thousand dollars plus  
25 any early withdrawal penalty fee. ~~The treasurer of state~~  
26 ~~shall promptly notify the director of transportation of the~~  
27 ~~name and address of the person to whom the statement has been~~  
28 ~~issued.~~ Upon receipt of the notification certificate of  
29 deposit, the ~~director of transportation department~~ shall issue  
30 to the person a security insurance card for each motor vehicle  
31 registered in this state by the person. The security insurance  
32 card shall state the name and address of the person and the  
33 registration number of the motor vehicle for which the card is  
34 issued. ~~The treasurer of state shall not accept a certificate~~  
35 ~~of deposit and issue a statement for it and the department~~

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1 shall not accept ~~the statement~~ a certificate of deposit unless  
2 accompanied by evidence that there are no unsatisfied judgments  
3 of any character against the person in the county where the  
4 person resides.

5     2. Such certificate of deposit shall be held by the  
6 ~~treasurer of state department~~ to satisfy, in accordance with  
7 this chapter, any execution on a judgment issued against  
8 the person filing the certificate of deposit, for damages,  
9 including damages for care and loss of services, because of  
10 bodily injury to or death of any person, or for damages because  
11 of injury to or destruction of property, including the loss of  
12 use of property, resulting from the ownership, maintenance,  
13 use, or operation of a motor vehicle after the certificate of  
14 deposit was filed. A certificate of deposit so filed shall not  
15 be subject to attachment or execution unless the attachment  
16 or execution arises out of a suit for damages as previously  
17 provided in this subsection.

18     Sec. 10. Section 321A.27, Code 2011, is amended to read as  
19 follows:

20     **321A.27 Substitution of proof.**

21     The department shall consent to the cancellation of a bond  
22 or certificate of insurance or the department shall ~~direct and~~  
23 ~~the treasurer of state shall~~ return a certificate of deposit  
24 to the person entitled to the certificate of deposit upon  
25 the substitution and acceptance of other adequate proof of  
26 financial responsibility pursuant to this chapter.

27     Sec. 11. Section 321A.29, subsection 1, unnumbered  
28 paragraph 1, Code 2011, is amended to read as follows:

29     The department shall upon request consent to the immediate  
30 cancellation of a bond or certificate of insurance, or the  
31 department shall ~~direct and the treasurer of state shall~~ return  
32 to the person entitled thereto a certificate of deposit filed  
33 pursuant to this chapter as proof of financial responsibility,  
34 or the department shall waive the requirement of filing proof,  
35 in any of the following events:

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1 Sec. 12. Section 321A.29, subsection 2, Code 2011, is  
2 amended to read as follows:

3 2. The department shall not consent to the cancellation  
4 of a bond or ~~the~~ return of a certificate of deposit in the  
5 event an action for damages upon a liability covered by such  
6 proof is then pending or a judgment upon any such liability is  
7 unsatisfied, or in the event the person who has filed such bond  
8 or such certificate of deposit has within one year immediately  
9 preceding such request been involved as an operator or owner in  
10 any motor vehicle accident resulting in injury or damage to the  
11 person or property of others. An affidavit of the applicant as  
12 to the nonexistence of such facts, or that the applicant has  
13 been released from all of the applicant's liability, or has  
14 been finally adjudicated not to be liable, for such injury or  
15 damage, shall be sufficient evidence thereof in the absence of  
16 evidence to the contrary in the records of the department.

17 Sec. 13. Section 321M.3, Code 2011, is amended to read as  
18 follows:

19 **321M.3 Authorization to issue licenses.**

20 Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Boone,  
21 Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll,  
22 Cass, Cedar, Cherokee, Chickasaw, Clarke, Clayton, Crawford,  
23 Dallas, Davis, Decatur, Delaware, Dickinson, Emmet, Fayette,  
24 Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton,  
25 Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida,  
26 Iowa, Jackson, Jasper, Jefferson, Jones, Keokuk, Kossuth,  
27 Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills,  
28 Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien,  
29 Osceola, Page, Palo Alto, Plymouth, Pocahontas, Poweshiek,  
30 Ringgold, Sac, Shelby, Sioux, Tama, Taylor, Union, Van Buren,  
31 Warren, Washington, Wayne, Winnebago, Winneshiek, Worth, and  
32 Wright counties shall be authorized to issue driver's licenses,  
33 nonoperator identification cards, and persons with disabilities  
34 identification devices on a permanent basis, provided that  
35 such counties continue to meet the department's standards for

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1 issuance.

2     Sec. 14. EMERGENCY RULES. The department of transportation  
3 may adopt emergency rules under section 17A.4, subsection 3,  
4 and section 17A.5, subsection 2, paragraph "b", to implement  
5 section 321.196, subsection 4, paragraph "c", as enacted in  
6 this Act, and the rules shall be effective immediately upon  
7 filing unless a later date is specified in the rules. Any  
8 rules adopted in accordance with this section shall also be  
9 published as a notice of intended action as provided in section  
10 17A.4.

11     Sec. 15. EFFECTIVE UPON ENACTMENT. The following  
12 provisions of this division of this Act, being deemed of  
13 immediate importance, take effect upon enactment:

14     1. The section of this division of this Act amending section  
15 321.196, subsection 4.

16     2. The section of this division of this Act authorizing the  
17 adoption of emergency rules.

18                                   DIVISION II  
19                                   VEHICLE ENFORCEMENT

20     Sec. 16. Section 321.52, subsection 4, paragraph c, Code  
21 2011, is amended to read as follows:

22     c. A salvage theft examination shall be made by a peace  
23 officer who has been specially certified and recertified  
24 when required by the ~~Iowa law enforcement academy department~~  
25 to do salvage theft examinations in Iowa. The ~~Iowa law~~  
26 ~~enforcement academy department~~ shall determine standards for  
27 training and certification, and shall conduct training, ~~and~~  
28 ~~may approve alternative training programs which satisfy the~~  
29 ~~academy's standards for training and certification.~~ The owner  
30 of the salvage vehicle shall make the vehicle available for  
31 examination at a time and location designated by the peace  
32 officer doing the examination. The owner may obtain a permit  
33 to drive the vehicle to and from the examination location by  
34 submitting a repair affidavit to the agency performing the  
35 examination stating that the vehicle is reasonably safe for

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1 operation and listing the repairs which have been made to the  
2 vehicle. The owner must be present for the examination and  
3 have available for inspection the salvage title, bills of  
4 sale for all essential parts changed, if applicable, and the  
5 repair affidavit. The examination shall be for the purposes  
6 of determining whether the vehicle or repair components have  
7 been stolen. The examination is not a safety inspection and  
8 a signed salvage theft examination certificate shall not be  
9 construed by any court of law to be a certification that the  
10 vehicle is safe to be operated. There shall be no cause of  
11 action against the peace officer or the agency conducting  
12 the examination or the county treasurer for failure to  
13 discover or note safety defects. If the vehicle passes the  
14 theft examination, the peace officer shall indicate that the  
15 vehicle passed examination on the salvage theft examination  
16 certificate. The permit and salvage theft examination  
17 certificate shall be on controlled forms prescribed and  
18 furnished by the department. The owner shall pay a fee of  
19 thirty dollars upon completion of the examination. The agency  
20 performing the examinations shall retain twenty dollars of the  
21 fee and shall pay five dollars of the fee to the department  
22 and, notwithstanding section 321.145, five dollars of the fee  
23 to the treasurer of state for deposit in the general fund of  
24 the state. Moneys deposited to the general fund under this  
25 paragraph ~~are subject to the requirements of section 8.60~~  
26 ~~and shall be used by~~ allocated to the Iowa law enforcement  
27 ~~academy to provide for the special training, certification, and~~  
28 ~~recertification of officers as required by this subsection.~~

29 Sec. 17. Section 321.52, subsection 5, Code 2011, is amended  
30 to read as follows:

31 5. a. The department shall adopt rules in accordance with  
32 chapter 17A to carry out this section.

33 b. The department may adopt rules providing for the  
34 electronic completion and issuance of salvage vehicle theft  
35 examination certificates and affidavits along with the



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1 electronic payment and transfer of fees collected for salvage  
2 vehicle theft examinations.

3 Sec. 18. Section 321.105A, subsection 7, Code Supplement  
4 2011, is amended to read as follows:

5 7. *Penalty for false statement or evasion of fee.* A person  
6 who willfully makes a false statement in regard to the purchase  
7 price of a vehicle subject to a fee for new registration or  
8 willfully attempts in any manner to evade payment of the fee  
9 required by this section is guilty of a fraudulent practice.  
10 A person who willfully makes a false statement in regard to  
11 the purchase price of such a vehicle with the intent to evade  
12 payment of the fee for new registration or willfully attempts  
13 in any manner to evade payment of the fee required by this  
14 section shall be assessed a penalty of seventy-five percent of  
15 the amount of the fee unpaid and required to be paid on the  
16 actual purchase price less trade-in allowance.

17 Sec. 19. Section 321.200A, Code 2011, is amended to read as  
18 follows:

19 **321.200A Convictions based upon fraud.**

20 1. If a person discovers a record of conviction for  
21 a scheduled violation under this chapter was entered by  
22 fraudulent use of the person's name or by use of other  
23 fraudulent identification, the person may, within one year of  
24 the date of the discovery of the conviction, submit a written  
25 application complaint to the department ~~to~~ and request that  
26 the department investigate the allegation. The department  
27 may summarily reject the application complaint as submitted  
28 or proceed to investigate the application complaint. If the  
29 ~~department investigates the application, the department may~~  
30 ~~either deny the application or, if the department determines~~  
31 ~~the allegation is warranted, approve the application.~~ If  
32 the department investigates the application complaint, the  
33 department shall ~~also issue complete a report and findings with~~  
34 ~~the decision of the department containing the investigative~~  
35 results. The ~~rejection, approval, or denial of an application~~

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1 refusal to investigate a complaint is not subject to contested  
2 case proceedings or further review as provided in chapter 17A.  
3 If the ~~application~~ complaint is investigated, the department  
4 shall provide the ~~applicant~~ person who submitted the complaint  
5 with a ~~certified~~ copy of the ~~decision of the department~~ a  
6 summary of the investigative report upon completion of the  
7 investigation. If the department approves the application, the  
8 ~~department shall also provide the applicant with a certified~~  
9 ~~copy of the investigative report and findings~~. The department  
10 shall also provide ~~certified~~ copies of the department's  
11 ~~decision approving or denying the application together with~~  
12 ~~the investigative report and findings~~ to the appropriate  
13 prosecuting attorney in the city or county that prosecuted the  
14 scheduled violation and to the district court in the county  
15 that prosecuted the scheduled violation. The department  
16 may electronically provide copies of ~~any decision approving~~  
17 ~~or denying the application~~ and the investigative report and  
18 ~~findings~~ to the district court.

19 2. A person who discovers that a record of conviction  
20 for a scheduled violation under this chapter was entered  
21 by fraudulent use of the person's name or by use of other  
22 fraudulent identification may bypass the ~~application~~ complaint  
23 process in subsection 1 and move in district court to set aside  
24 the judgment of conviction within one year of discovery of the  
25 conviction. ~~An applicant with an approved application~~ A person  
26 who follows the complaint process under subsection 1 ~~shall and~~  
27 obtains an investigative report from the department may also  
28 move in district court to set aside the judgment of conviction  
29 in order to have the department expunge or alter the records of  
30 the department or rescind or modify an administrative sanction.  
31 If the district court grants the motion to set aside the  
32 judgment, the district court shall order the charging agency  
33 or official to modify the records of the agency or official  
34 to reflect the order setting aside the judgment. The clerk  
35 of the district court shall provide the court order setting

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1 aside the judgment, either by regular mail or electronic means,  
2 to the charging agency or official, and the department of  
3 transportation. The clerk of the district court shall also  
4 provide the ~~applicant~~ person with a certified copy of the court  
5 order at no cost to the ~~applicant~~ person.

6 3. Notwithstanding the department's ~~approval of an~~  
7 ~~application pursuant to~~ investigation under subsection 1,  
8 the department shall not expunge or alter the records of the  
9 department or rescind or modify an administrative sanction  
10 unless the department receives an order from the district  
11 court setting aside the previous judgment of the court as  
12 provided in subsection 2. Upon receiving a copy of an order  
13 from the district court setting aside the previous judgment of  
14 the court, the department shall expunge the record and shall  
15 rescind any administrative sanction imposed upon the ~~applicant~~  
16 person as a result of the judgment, unless the ~~applicant~~ person  
17 is subject to sanctions for other reasons. The department may  
18 impose a new sanction if expunging the judgment would result in  
19 a lesser or different sanction.

20 4. The department shall adopt rules pursuant to chapter 17A  
21 to implement this section.

22 Sec. 20. Section 321H.8, subsection 1, Code 2011, is amended  
23 to read as follows:

24 1. ~~A person convicted of violating a provision of this~~  
25 ~~chapter is guilty of a serious misdemeanor. A person who~~  
26 violates any of the provisions of this chapter for which a  
27 penalty is not specifically provided is guilty of a simple  
28 misdemeanor punishable by a fine of not less than two hundred  
29 fifty dollars nor more than six hundred twenty-five dollars or  
30 by imprisonment not to exceed thirty days.

31 Sec. 21. Section 322.14, subsection 1, Code 2011, is amended  
32 to read as follows:

33 1. A person who violates any of the provisions of this  
34 chapter for which a penalty is not specifically provided is  
35 guilty of a simple misdemeanor punishable by a fine of not

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1 less than two hundred fifty dollars nor more than ~~one thousand~~  
2 ~~five~~ six hundred twenty-five dollars or by imprisonment not to  
3 exceed thirty days.

4 DIVISION III

5 VEHICLE AND MOTOR CARRIER SERVICES

6 Sec. 22. Section 321.40, subsection 3, Code 2011, is amended  
7 to read as follows:

8 3. ~~Registration receipts issued for renewals shall have~~  
9 ~~the word "renewal" imprinted thereon and, if the owner making~~  
10 ~~a renewal application has been issued a certificate of title,~~  
11 ~~the title number shall appear on the registration receipt.~~  
12 The word "renewal" shall be printed on registration receipts  
13 issued for renewals. All registration receipts for renewals  
14 shall be typewritten or printed by other mechanical means. The  
15 applicant shall receive a registration receipt.

16 Sec. 23. Section 321.166, subsection 2, Code 2011, is  
17 amended to read as follows:

18 2. Every registration plate or pair of plates shall display  
19 a registration plate number which shall consist of alphabetical  
20 or numerical characters or a combination thereof and the name  
21 of this state, which may be abbreviated. Every registration  
22 plate issued by the county treasurer shall display the name  
23 of the county, including any plate issued pursuant to section  
24 321.34, except Pearl Harbor and purple heart registration  
25 plates issued prior to January 1, 1997; registration plates  
26 issued pursuant to section 321.34, subsection 13, paragraph  
27 "d"; and collegiate, fire fighter, and medal of honor  
28 registration plates. ~~Special truck registration plates shall~~  
29 ~~display the word "special".~~ The department may adopt rules to  
30 implement this subsection.

31 Sec. 24. Section 322.7A, subsections 1, 2, and 4, Code 2011,  
32 are amended to read as follows:

33 1. An applicant for a license as a used motor vehicle  
34 dealer shall complete a minimum of eight hours of prelicensing  
35 education program courses in the twenty-four-month period

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1 immediately preceding the application for license pursuant  
2 to this section ~~prior to submitting an application to the~~  
3 ~~department.~~

4 2. A person seeking renewal of a used motor vehicle dealer  
5 license shall complete a minimum of five hours of continuing  
6 education program courses ~~over a two-year period in the~~  
7 twenty-four-month period immediately preceding the expiration  
8 of the person's license pursuant to this section ~~prior to~~  
9 ~~submitting an application for license renewal.~~ However,  
10 an applicant for renewal of a used motor vehicle dealer  
11 license who has met the prelicensing education requirement  
12 under subsection 1 within the ~~preceding twenty-four months~~  
13 twenty-four-month period immediately preceding expiration of  
14 the person's license is exempt from the continuing education  
15 requirement for license renewal.

16 4. The Iowa independent automobile dealers association,  
17 in consultation with the state department of transportation,  
18 the department of education, the attorney general, and the  
19 Iowa association of community college trustees, shall develop  
20 the prelicensing and continuing education course curricula  
21 for the used motor vehicle dealer education program, which  
22 shall include but not be limited to examination of federal  
23 and state laws applicable to the motor vehicle industry and  
24 federal and state regulations pertaining to used motor vehicle  
25 dealers. The education program courses shall be provided by  
26 community colleges as defined in section 260C.2 or by the Iowa  
27 independent automobile dealers association in conjunction  
28 with a community college. ~~The department of education shall~~  
29 ~~adopt rules establishing reasonable fees to be charged for the~~  
30 ~~prelicensing education courses and the continuing education~~  
31 ~~courses.~~

32 Sec. 25. Section 322.7A, Code 2011, is amended by adding the  
33 following new subsection:

34 NEW SUBSECTION. 8. The department of education shall  
35 adopt rules establishing reasonable fees to be charged for the

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1 prelicensing education courses and the continuing education  
2 courses. The department of transportation may adopt rules for  
3 reinstatement of the license of a person that failed to meet  
4 the continuing education requirements of subsection 2.

5 Sec. 26. REPEAL. Section 321.116, Code 2011, is repealed.

6 Sec. 27. APPLICABILITY. The section of this division of  
7 this Act that repeals section 321.116 applies for registration  
8 years beginning on or after January 1, 2013.

9

DIVISION IV

10

REPORT REQUIREMENTS

11 Sec. 28. Section 307.20, subsection 1, Code 2011, is amended  
12 to read as follows:

13 1. A biodiesel and biodiesel blended fuel revolving fund  
14 is created in the state treasury. The biodiesel and biodiesel  
15 blended fuel revolving fund shall be administered by the  
16 department and shall consist of moneys received from the sale  
17 of EPA credits banked by the department on April 19, 2001,  
18 moneys appropriated by the general assembly, and any other  
19 moneys obtained or accepted by the department for deposit in  
20 the fund. Moneys in the fund are appropriated to and shall  
21 be used by the department for the purchase of biodiesel and  
22 biodiesel blended fuel for use in department vehicles. ~~The~~  
23 ~~department shall submit an annual report not later than January~~  
24 ~~31 to the members of the general assembly and the legislative~~  
25 ~~services agency, of the expenditures made from the fund during~~  
26 ~~the preceding fiscal year.~~ Section 8.33 does not apply to  
27 any moneys in the fund and, notwithstanding section 12C.7,  
28 subsection 2, earnings or interest on moneys deposited in the  
29 fund shall be credited to the fund.

30 Sec. 29. Section 307.21, subsection 3, Code Supplement  
31 2011, is amended by striking the subsection.

32

EXPLANATION

33 This bill contains provisions relating to a variety of  
34 matters regulated by the department of transportation.

35 DIVISION I — MOTOR VEHICLE OPERATORS. Under current

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1 law, a person who is required to file proof of financial  
2 responsibility in order to operate a motor vehicle may do so  
3 by filing \$55,000 with the treasurer of state in the form of  
4 a certificate of deposit made payable jointly to the person  
5 and the treasurer of state. The bill amends Code section  
6 321A.25 to provide that the certificate of deposit is to be  
7 made payable to the department of transportation and filed  
8 directly with the department, rather than with the treasurer of  
9 state. The bill makes conforming amendments to the definition  
10 of "financial liability coverage" in Code section 321.1,  
11 the list of alternate methods of filing proof of financial  
12 responsibility contained in Code section 321A.18, and related  
13 provisions in Code sections 321A.27 and 321A.29.

14 Code section 321.196 is amended to provide that when the  
15 department renews a driver's license electronically, it may  
16 do so without requiring the licensee to pass a vision test or  
17 file a vision report, pursuant to rules of the department. The  
18 bill authorizes the adoption of emergency rules to implement  
19 this provision. The amendment to Code section 321.196 and  
20 the authorization to adopt emergency rules are effective upon  
21 enactment.

22 Under current law, a person is disqualified from operating  
23 a commercial motor vehicle if the person has two or more  
24 convictions within a three-year period for certain specified  
25 offenses committed while operating a commercial motor vehicle  
26 or while operating a noncommercial motor vehicle and holding  
27 a commercial driver's license, if the convictions result in  
28 a sanction of the person's driving privileges. Code section  
29 321.208 is amended to include text messaging while operating a  
30 commercial motor vehicle as one of those specified offenses.

31 Code section 321.211 is amended by striking a standing  
32 \$250,000 appropriation to the department intended to cover the  
33 cost of notice and personal delivery of service in cases of  
34 driver's license suspension. The bill provides that license  
35 reinstatement fees shall be used to help defray license

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1 sanction and reinstatement costs rather than reimburse the  
2 department for the costs of notice.  
3 Code section 321.257 is amended to specify the meaning of an  
4 official traffic-control signal displaying a steady red arrow  
5 or a flashing yellow arrow. The steady red arrow prohibits  
6 vehicular traffic from entering the intersection to make the  
7 movement indicated by the arrow, but does not permit entering  
8 the intersection to make another movement permitted by another  
9 signal indicator. A flashing yellow arrow means vehicular  
10 traffic may cautiously enter the intersection only to make the  
11 movement indicated by the arrow or another movement permitted  
12 by other signal indicators displayed at the same time.  
13 Traffic operating under a flashing yellow arrow must yield the  
14 right-of-way to other vehicles and pedestrians lawfully within  
15 the intersection.  
16 The bill strikes current provisions in Code section  
17 321.258 which specify the arrangement of lights on official  
18 traffic-control signals. The provisions are replaced with a  
19 requirement that the design, color, and arrangement of lights  
20 on official traffic-control signals be in accordance with the  
21 manual on uniform traffic-control devices, which is published  
22 by the United States department of transportation and adopted  
23 by rule by the state department of transportation to apply to  
24 highways in the state.  
25 Code section 321M.3 is amended to allow Carroll and  
26 Muscatine counties to participate in county issuance of  
27 driver's licenses, nonoperator identification cards, and  
28 persons with disabilities identification devices.  
29 DIVISION II — VEHICLE ENFORCEMENT. Code section 321.52 is  
30 amended to require the department, rather than the Iowa law  
31 enforcement academy, to train and certify peace officers who  
32 conduct salvage vehicle theft examinations. The \$5 portion  
33 of each salvage theft examination fee which currently accrues  
34 to the Iowa law enforcement academy to provide salvage theft  
35 examination training and certification will continue to



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1 accrue to the academy. The department is authorized to adopt  
2 rules providing for electronic completion and issuance of  
3 certificates and affidavits along with electronic payment and  
4 transfer of fees in connection with salvage theft examinations.  
5 Code section 321.105A is amended to provide that a person  
6 who willfully attempts to evade payment of the fee for new  
7 registration is guilty of a fraudulent practice. In addition  
8 to the criminal penalty, the person shall be assessed a penalty  
9 of 75 percent of the amount of the fee unpaid and required to be  
10 paid. These are the same penalties that currently apply for  
11 making a false statement in regard to the purchase price of a  
12 vehicle subject to a fee for new registration.

13 Code section 321.200A is amended to modify the process  
14 established to address convictions for motor vehicle violations  
15 that are based upon fraud. The term "complaint" is substituted  
16 for "application" to describe the written request for an  
17 investigation that is filed with the department by a person  
18 alleging that a record of conviction for a scheduled violation  
19 was entered by fraudulent use of the person's name or by use  
20 of fraudulent identification. Under the complaint process,  
21 the department retains its existing authority to accept  
22 or reject a person's request for an investigation. If the  
23 department investigates a complaint, it must provide copies of  
24 the report to the prosecuting attorney in the city or county  
25 that prosecuted the scheduled violation and to the applicable  
26 district court. The person who filed the complaint is entitled  
27 to receive a summary of the department's investigative report,  
28 rather than a certified copy of the full report, as is required  
29 under current law.

30 Code sections 321H.8 and 322.14 are amended to align penalty  
31 provisions for vehicle recyclers with those of motor vehicle  
32 dealers and to lower the maximum fine for a simple misdemeanor  
33 violation of motor vehicle dealer provisions. Under current  
34 law, a person convicted of violating any of the vehicle  
35 recycler provisions contained in Code chapter 321H is guilty

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1 of a serious misdemeanor, and a person convicted of violating  
2 any of the motor vehicle dealer provisions contained in Code  
3 chapter 322 is guilty of a simple misdemeanor punishable by  
4 a fine of not less than \$250 and not more than \$1,500 or by  
5 imprisonment for up to 30 days. The amendment provides that  
6 the default penalty for a violation under Code chapter 321H or  
7 322 is a simple misdemeanor punishable by a fine of not less  
8 than \$250 and not more than \$625 or by imprisonment for up to  
9 30 days.

10 DIVISION III — VEHICLE AND MOTOR CARRIER SERVICES. Code  
11 section 321.40 is amended to eliminate the requirement that the  
12 title number from a vehicle's certificate of title appear on  
13 the registration receipt for the vehicle.

14 Code section 321.116, which establishes an annual  
15 registration fee of \$25 for electric motor vehicles, is  
16 repealed. As a result, electric motor vehicles will be subject  
17 to registration fees based on the weight and value of the  
18 vehicle. The change applies for registration years beginning  
19 on or after January 1, 2013.

20 Code section 321.166 is amended to correspond to a change  
21 made in 2011 legislation eliminating the requirement that  
22 special trucks for farm use be issued registration plates  
23 displaying the word "special".

24 Code section 322.7A, relating to education requirements  
25 for used motor vehicle dealers, is amended to specify that  
26 prelicensing education program courses must be completed in  
27 the 24-month period immediately preceding application for  
28 licensure. In addition, continuing education program courses  
29 must be completed in the 24-month period immediately preceding  
30 the expiration of the person's license. Current law does not  
31 specify a time frame for completion of prelicensing education  
32 program courses and allows for completion of continuing  
33 education program courses over a two-year period preceding  
34 application for license renewal. The Code section is also  
35 amended to allow the department to adopt rules relating to the

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1 reinstatement of licensees who fail to meet the continuing  
2 education requirements.

3 DIVISION IV — REPORT REQUIREMENTS. Code section 321.20 is  
4 amended by striking an annual reporting requirement regarding  
5 expenditures from the biodiesel and biodiesel blended fuel  
6 revolving fund.

7 Code section 307.21 is amended by striking reporting  
8 requirements relating to the department's purchases of plastic  
9 products, soybean-based inks, and plastic garbage can liners.